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THE WORKS

OF

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THE

WORKS

OF

JOHN ADAMS,

SECOND PRESIDENT OF THE UNITED STATES:

WITH

A LIFE OF THE AUTHOR,

NOTES AND ILLUSTRATIONS,

BY

HIS GRANDSON

CHARLES FRANCIS ADAMS.

VOL. VI.

BOSTON:
CHARLES C. LITTLE AND JAMES BROWN.
1851.

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WORKS

ON

GOVERNMENT.

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A

DEFENCE

OF THE

CONSTITUTIONS OF GOVERNMENT

OF THE

UNITED STATES OF AMERICA.

CHAPTER FIRST.

MARCHAMONT NEDHAM.

THE RIGHT CONSTITUTION OF A COMMONWEALTH EXAMINED.

THE English nation, for their improvements in the theory of government, has, at least, more merit with the human race than any other among the moderns. The late most beautiful and liberal speculations of many writers, in various parts of Europe, are manifestly derived from English sources. Americans, too, ought for ever to acknowledge their obligations to English writers, or rather have as good a right to indulge a pride in the recollection of them as the inhabitants of the three kingdoms. The original plantation of our country was occasioned, her continual growth has been promoted, and her present liberties have been established by these generous theories.

There have been three periods in the history of England, in which the principles of government have been anxiously studied,

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and very valuable productions published, which, at this day, if they are not wholly forgotten in their native country, are perhaps more frequently read abroad than at home.

The first of these periods was that of the Reformation, as early as the writings of Machiavel himself, who is called the great restorer of the true politics. The "Shorte Treatise of Politicke Power, and of the True Obedience which Subjects owe to Kyngs and other Civile Governors, with an Exhortation to all True Natural Englishemen, compyled by John Poynet, D. D.," was printed in 1556, and contains all the essential principles of liberty, which were afterwards dilated on by Sidney and Locke. This writer is clearly for a mixed government, in three equiponderant branches, as appears by these words:—

"In some countreyes they were content to be governed and have the laws executed by one king or judge; in some places by many of the best sorte; in some places by the people of the lowest sorte; and in some places also by the king, nobilitie, and the people all together. And these diverse kyndes of states, or policies, had their distincte names; as where one ruled, a monarchie; where many of the best, aristocratie; and where the multitude, democratie; and where all together, that is a king, the nobilitie, and commons, a mixte state; and which men by long continuance have judged to be the best sort of all. For where that mixte state was exercised, there did the commonwealthe longest continue."

The second period was the Interregnum, and indeed the whole interval between 1640 and 1660. In the course of those twenty years, not only Ponnet and others were reprinted, but Harrington, Milton, the *Vindiciæ contra Tyrannos*, and a multitude of others, came upon the stage.

The third period was the Revolution in 1688, which produced Sidney, Locke, Hoadley, Trenchard, Gordon, Plato Redivivus, who is also clear for three equipollent branches in the mixture, and others without number. The discourses of Sidney were indeed written before, but the same causes produced his writings and the Revolution.

Americans should make collections of all these speculations, to be preserved as the most precious relics of antiquity, both for curiosity and use. There is one indispensable rule to be observed in the perusal of all of them; and that is, to consider the period

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in which they were written, the circumstances of the times, and the personal character as well as the political situation of the writer. Such a precaution as this deserves particular attention in examining a work, printed first in the Mercurius Politicus, a periodical paper published in defence of the commonwealth, and reprinted in 1656, by Marchamont Nedham, under the title of "The Excellency of a Free State, or the Right Constitution of a Commonwealth."[1] The nation had not only a numerous nobility and clergy at that time disgusted, and a vast body of the other gentlemen, as well as of the common people, desirous of the restoration of the exiled royal family, but many writers explicitly espoused the cause of simple monarchy and absolute power. Among whom was Hobbes, a man, however unhappy in his temper, or detestable for his principles, equal in genius and learning to any of his contemporaries. Others were employed in ridiculing the doctrine, that laws, and not men, should govern. It was contended, that to say "that laws do or can govern, is to amuse ourselves with a form of speech, as when we say time, or age, or death, does such a thing. That the government is not in the law, but in the person whose will gives a being to that law. That the perfection of monarchy consists in governing by a nobility, weighty enough to keep the people under, yet not tall enough, in any particular person, to measure with the prince; and by a moderate army, kept up under the notion of guards and garrisons, which may be sufficient to strangle all seditions in the cradle; by councils, not such as are coördinate with the prince, but purely of advice and despatch, with power only to persuade, not limit, the prince's will."* In such a situation, writers on the side of liberty thought themselves obliged to consider what was then practicable, not abstractedly what was the best. They felt the

* See the political pamphlets of that day, written on the side of monarchy.

[1] This work was reprinted in London, in 1767, under the direction of Thomas Hollis, in a thin octavo, containing one hundred and seventy-six pages. The copy found in the author's library bears the following inscription: —

"Mr. Brand Hollis requests the favor of his friend, Mr. Adams, to accept benevolently this book, to be deposited among his republican tracts, which, after the pomp and pageantry of monarchy, 'the trappings of which would maintain a moderate republic,' will relish well.

"*Chesterfield Street*, 19 January, 1787."

It is not improbable that it was the presentation of the work at this time that occasioned the elaborate review of it, which constitutes the most vigorous part of the present work.

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necessity of leaving the monarchical and aristocratical orders out of their schemes of government, because all the friends of those orders were their enemies, and of addressing themselves wholly to the democratical party, because they alone were their friends; at least there appears no other hypothesis on which to account for the crude conceptions of Milton and Nedham. The latter, in his preface, discovers his apprehensions and feelings, too clearly to be mistaken, in these words: — "I believe none will be offended with this following discourse, but those that are enemies to public welfare. Let such be offended still; it is not for their sake that I publish this ensuing treatise, but for your sakes that have been *noble patriots, fellow soldiers;* and *sufferers* for the liberties and freedoms of your country." As M. Turgot's idea of a commonwealth, in which "all authority is to be collected into one centre," and that centre the nation, is supposed to be precisely the project of Marchamont Nedham, and probably derived from his book, and as "The Excellency of a Free State" is a valuable morsel of antiquity well known in America, where it has many partisans, it may be worth while to examine it, especially as it contains every semblance of argument which can possibly be urged in favor of the system, as it is not only the popular idea of a republic both in France and England, but is generally intended by the words *republic*, *commonwealth*, and *popular state*, when used by English writers, even those of the most sense, taste, and learning.

Marchamont Nedham lays it down as a fundamental principle and an undeniable rule, "that the people, (that is, such as shall be successively chosen to represent the people,) are the best keepers of their own liberties, and that for many reasons. First, because they never think of usurping over other men's rights, but mind which way to preserve their own."

Our first attention should be turned to the proposition itself, — "The people are the best keepers of their own liberties."

But who are the people?

"Such as shall be successively chosen to represent them."

Here is a confusion both of words and ideas, which, though it may pass with the generality of readers in a fugitive pamphlet, or with a majority of auditors in a popular harangue, ought, for that very reason, to be as carefully avoided in politics as it is in philosophy or mathematics. If by *the people* is meant the whole

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body of a great nation, it should never be forgotten, that they can never act, consult, or reason together, because they cannot march five hundred miles, nor spare the time, nor find a space to meet; and, therefore, the proposition, that they are the best keepers of their own liberties, is not true. They are the worst conceivable; they are no keepers at all. They can neither act, judge, think, or will, as a body politic or corporation. If by *the people* is meant all the inhabitants of a single city, they are not in a general assembly, at all times, the best keepers of their own liberties, nor perhaps at any time, unless you separate from them the executive and judicial power, and temper their authority in legislation with the maturer counsels of the one and the few. If it is meant by *the people*, as our author explains himself, a representative assembly, "such as shall be successively chosen to represent the people," still they are not the best keepers of the people's liberties or their own, if you give them all the power, legislative, executive, and judicial. They would invade the liberties of the people, at least the majority of them would invade the liberties of the minority, sooner and oftener than an absolute monarchy, such as that of France, Spain, or Russia, or than a well-checked aristocracy, like Venice, Bern, or Holland.

An excellent writer has said, somewhat incautiously, that "a people will never oppress themselves, or invade their own rights." This compliment, if applied to human nature, or to mankind, or to any nation or people in being or in memory, is more than has been merited. If it should be admitted that a people will not unanimously agree to oppress themselves, it is as much as is ever, and more than is always, true. All kinds of experience show, that great numbers of individuals do oppress great numbers of other individuals; that parties often, if not always, oppress other parties; and majorities almost universally minorities. All that this observation can mean then, consistently with any color of fact, is, that the people will never unanimously agree to oppress themselves. But if one party agrees to oppress another, or the majority the minority, the people still oppress themselves, for one part of them oppress another.

"The people never think of usurping over other men's rights."

What can this mean? Does it mean that the people never *unanimously* think of usurping over other men's rights? This would be trifling; for there would, by the supposition, be no

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other men's rights to usurp. But if the people never, jointly nor severally, think of usurping the rights of others, what occasion can there be for any government at all? Are there no robberies, burglaries, murders, adulteries, thefts, nor cheats? Is not every crime a usurpation over other men's rights? Is not a great part, I will not say the greatest part, of men detected every day in some disposition or other, stronger or weaker, more or less, to usurp over other men's rights? There are some few, indeed, whose whole lives and conversations show that, in every thought, word, and action, they conscientiously respect the rights of others. There is a larger body still, who, in the general tenor of their thoughts and actions, discover similar principles and feelings, yet frequently err. If we should extend our candor so far as to own, that the majority of men are generally under the dominion of benevolence and good intentions, yet, it must be confessed, that a vast majority frequently transgress; and, what is more directly to the point, not only a majority, but almost all, confine their benevolence to their families, relations, personal friends, parish, village, city, county, province, and that very few, indeed, extend it impartially to the whole community. Now, grant but this truth, and the question is decided. If a majority are capable of preferring their own private interest, or that of their families, counties, and party, to that of the nation collectively, some provision must be made in the constitution, in favor of justice, to compel all to respect the common right, the public good, the universal law, in preference to all private and partial considerations.

The proposition of our author, then, should be reversed, and it should have been said, that they mind so much their own, that they never think enough of others. Suppose a nation, rich and poor, high and low, ten millions in number, all assembled together; not more than one or two millions will have lands, houses, or any personal property; if we take into the account the women and children, or even if we leave them out of the question, a great majority of every nation is wholly destitute of property, except a small quantity of clothes, and a few trifles of other movables. Would Mr. Nedham be responsible that, if all were to be decided by a vote of the majority, the eight or nine millions who have no property, would not think of usurping over the rights of the one or two millions who have? Property is surely

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a right of mankind as really as liberty. Perhaps, at first, prejudice, habit, shame or fear, principle or religion, would restrain the poor from attacking the rich, and the idle from usurping on the industrious; but the time would not be long before courage and enterprise would come, and pretexts be invented by degrees, to countenance the majority in dividing all the property among them, or at least, in sharing it equally with its present possessors. Debts would be abolished first; taxes laid heavy on the rich, and not at all on the others; and at last a downright equal division of every thing be demanded, and voted. What would be the consequence of this? The idle, the vicious, the intemperate, would rush into the utmost extravagance of debauchery, sell and spend all their share, and then demand a new division of those who purchased from them. The moment the idea is admitted into society, that property is not as sacred as the laws of God, and that there is not a force of law and public justice to protect it, anarchy and tyranny commence. If "THOU SHALT NOT COVET," and "THOU SHALT NOT STEAL," were not commandments of Heaven, they must be made inviolable precepts in every society, before it can be civilized or made free.

If the first part of the proposition, namely, that "the people never think of usurping over other men's rights," cannot be admitted, is the second, namely, "they mind which way to preserve their own," better founded?

There is in every nation and people under heaven a large proportion of persons who take no rational and prudent precautions to preserve what they have, much less to acquire more. Indolence is the natural character of man, to such a degree that nothing but the necessities of hunger, thirst, and other wants equally pressing, can stimulate him to action, until education is introduced in civilized societies, and the strongest motives of ambition to excel in arts, trades, and professions, are established in the minds of all men. Until this emulation is introduced, the lazy savage holds property in too little estimation to give himself trouble for the preservation or acquisition of it. In societies the most cultivated and polished, vanity, fashion, and folly prevail over every thought of ways to preserve their own. They seem rather to study what means of luxury, dissipation, and extravagance they can invent to get rid of it.

"The case is far otherwise among kings and grandees," says

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our author, "as all nations in the world have felt to some purpose."

That is, in other words, kings and grandees think of usurping over other men's rights, but do not mind which way to preserve their own. It is very easy to flatter the democratical portion of society, by making such distinctions between them and the monarchical and aristocratical; but flattery is as base an artifice, and as pernicious a vice, when offered to the people, as when given to the others. There is no reason to believe the one much honester or wiser than the other; they are all of the same clay; their minds and bodies are alike. The two latter have more knowledge and sagacity, derived from education, and more advantages for acquiring wisdom and virtue. As to usurping others' rights, they are all three equally guilty when unlimited in power. No wise man will trust either with an opportunity; and every judicious legislator will set all three to watch and control each other. We may appeal to every page of history we have hitherto turned over, for proofs irrefragable, that the people, when they have been unchecked, have been as unjust, tyrannical, brutal, barbarous, and cruel, as any king or senate possessed of uncontrollable power. The majority has eternally, and without one exception, usurped over the rights of the minority.

"They naturally move," says Nedham, "within the circle of domination, as in their proper centre."

When writers on legislation have recourse to poetry, their images may be beautiful, but they prove nothing. This, however, has neither the merit of a brilliant figure, nor of a convincing argument. The populace, the rabble, the *canaille*, move as naturally in the circle of domination, whenever they dare, as the nobles or a king; nay, although it may give pain, truth and experience force us to add, that even the middling people, when uncontrolled, have moved in the same circle; and have not only tyrannized over all above and all below, but the majority among themselves has tyrannized over the minority.

"And count it no less security, than wisdom and policy, to brave it over the people."

Declamatory flourishes, although they may furnish a mob with watchwords, afford no reasonable conviction to the understanding. What is meant by braving it? In the history of Holland you will see the people braving it over the De Witts; and in that

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of Florence, Siena, Bologna, Pistoia, and the rest, over many others.*

"Cæsar, Crassus, and another, made a contract with each other, that nothing should be done without the concurrence of all three: Societatem iniere, ne quid ageretur in republica, quod displicuisset ulli e tribus."

Nedham could not have selected a less fortunate example for his purpose, since there never was a more arrant creature of the people than Cæsar; no, not even Catiline, Wat Tyler, Massaniello, or Shays. The people created Cæsar on the ruins of the senate, and on purpose to usurp over the rights of others. But this example, among innumerable others, is very apposite to our purpose. It happens universally, when the people in a body, or by a single representative assembly, attempt to exercise all the powers of government, they always create three or four idols, who make a bargain with each other first, to do nothing which shall displease any one; these hold this agreement, until one thinks himself able to disembarrass himself of the other two; then they quarrel, and the strongest becomes single tyrant. But why is the name of Pompey omitted, who was the third of this triumvirate? Because it would have been too unpopular; it would have too easily confuted his argument, and have turned it against himself, to have said that this association was between Pompey, Cæsar, and Crassus, against Cato, the senate, the constitution, and liberty, which was the fact.

Can you find a people who will never be divided in opinion? who will be always unanimous? The people of Rome were divided, as all other people ever have been, and will be, into a variety of parties and factions. Pompey, Crassus, and Cæsar, at the head of different parties, were jealous of each other. Their divisions strengthened the senate and its friends, and furnished means and opportunities of defeating many of their ambitious designs. Cæsar perceived it, and paid his court both to Pompey and Crassus, in order to hinder them from joining the senate against him. He separately represented the advantage which their enemies derived from their misunderstandings, and the ease with which, if united, they might concert among themselves all affairs of the republic, gratify every friend, and disappoint every

* Read the *Harangue*, vol. ii. p. 67. In this work vol. v. p. 55.

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enemy.* The other example, of Augustus, Lepidus, and Antony, is equally unfortunate. Both are demonstrations that the people did think of usurping others' rights, and that they did not mind any way to preserve their own. The senate was now annihilated, many of them murdered. Augustus, Lepidus, and Antony were popular demagogues, who agreed together to fleece the flock between them, until the most cunning of the three destroyed the other two, fleeced the sheep alone, and transmitted the shears to a line of tyrants.

How can this writer say, then, that, "while the government remained untouched in the people's hands, every particular man lived safe?" The direct contrary is true. Every man lived safe, only while the senate remained as a check and balance to the people; the moment that control was destroyed, no man was safe. While the government remained untouched in the various orders, the consuls, senate, and people, mutually balancing each other, it might be said, with some truth, that no man could be undone, unless a true and satisfactory reason was rendered to the world for his destruction. But as soon as the senate was destroyed, and the government came untouched into the people's hands, no man lived safe but the triumvirs and their tools; any man might be, and multitudes of the best men were, undone, without rendering any reason to the world for their destruction, but the will, the fear, or the revenge of some tyrant. These popular leaders, in our author's own language, "saved and destroyed, depressed and advanced whom they pleased, with a wet finger."

The second argument to prove that the people, in their successive single assemblies, are the best keepers of their own liberties, is,—

"Because it is ever the people's care to see that authority be so constituted, that it shall be rather a burden than benefit to those that undertake it; and be qualified with such slender advantages of profit or pleasure, that men shall reap little by the enjoyment. The happy consequence whereof is this, that none but honest, generous, and public spirits will then desire to be in authority, and that only for the common good. Hence it was that, in the infancy of the Roman liberty, there was no canvassing of voices;

* Dio. Cass. lib. xxxvii. c. 54, 55. Plutarch in Pomp. Cæsar, and Crassus.

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but single and plain-hearted men were called, entreated, and, in a manner, forced with importunity to the helm of government, in regard of that great trouble and pains that followed the employment. Thus Cincinnatus was fetched out of the field from his plough, and placed (much against his will) in the sublime dignity of dictator. So the noble Camillus, and Fabius, and Curius, were, with much ado, drawn from the recreation of gardening to the trouble of governing; and, the consul-year being over, they returned with much gladness again to their private employment."

The first question which would arise in the mind of an intelligent and attentive reader would be, whether this were burlesque, and a republic travesty? But as the principle of this second reason is very pleasing to a large body of narrow spirits in every society, and as it has been adopted by some respectable authorities, without sufficient consideration, it may be proper to give it a serious investigation.

The people have, in some countries and seasons, made their services irksome, and it is popular with some to make authority a burden. But what has been the consequence to the people? Their service has been deserted, and they have been betrayed. Those very persons who have flattered the meanness of the stingy, by offering to serve them gratis, and by purchasing their suffrages, have carried the liberties and properties of their constituents to market, and sold them for very handsome private profit to the monarchical and aristocratical portions of society. And so long as the rule of making their service a burthen is persisted in, so long will the people be served with the same kind of address and fidelity, by hypocritical pretences to disinterested benevolence and patriotism, until their confidence is gained, their affections secured, and their enthusiasm excited, and by knavish bargain and sale of their cause and interest afterwards. But, although there is always among the people a party who are justly chargeable with meanness and avarice, envy and ingratitude, and this party has sometimes been a majority, who have literally made their service burdensome, yet this is not the general character of the people. A more universal fault is too much affection, confidence, and gratitude; not to such as really serve them, whether with or against their inclinations, but to those who flatter their inclinations, and gain their hearts. Honest and

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generous spirits will disdain to deceive the people; and if the public service is wilfully rendered burdensome, they will really be averse to be in it; but hypocrites enough will be found, who will pretend to be also loth to serve, and feign a reluctant consent for the public good, while they mean to plunder in every way they can conceal.

There are conjunctures when it is the duty of a good citizen to hazard and sacrifice all for his country. But, in ordinary times, it is equally the duty and interest of the community not to suffer it. Every wise and free people, like the Romans, will establish the maxim, to suffer no generous action for the public to go unrewarded. Can our author be supposed to be sincere, in recommending it as a principle of policy to any nation to render her service in the army, navy, or in council, a burden, an unpleasant employment, to all her citizens? Would he depend upon finding human spirits enough to fill public offices, who would be sufficiently elevated in patriotism and general benevolence to sacrifice their ease, health, time, parents, wives, children, and every comfort, convenience, and elegance of life, for the public good? Is there any religion or morality that requires this? which permits the many to live in affluence and ease, while it obliges a few to live in misery for their sakes? The people are fond of calling public men their servants, and some are not able to conceive them to be servants, without making them slaves, and treating them as planters treat their negroes. But, good masters, have a care how you use your power; you may be tyrants as well as public officers. It seems, according to our author himself, that honesty and generosity of spirit, and the passion for the public good, were not motives strong enough to induce his heroes to desire to be in public life. They must be called, entreated, and forced. By single and plain-hearted men, he means the same, no doubt, with those described by the other expressions, honest, generous, and public spirits. Cincinnatus, Camillus, Fabius, and Curius, were men as simple and as generous as any; and these all, by his own account, had a strong aversion to the public service. Either these great characters must be supposed to have practised the *Nolo Episcopari*, to have held up a fictitious aversion for what they really desired, or we must allow their reluctance to have been sincere. If counterfeit, these examples do not deserve our imitation; if sincere, they will

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never be followed by men enough to carry on the business of the world.

The glory of these Roman characters cannot be obscured, nor ought the admiration of their sublime virtues to be diminished; but such examples are as rare among statesmen, as Homers and Miltons are among poets. A free people of common sense will not depend upon finding a sufficient number of such characters at any one time, still less a succession of them for any long duration, for the support of their liberties. To make a law that armies should be led, senates counselled, negotiations conducted, by none but such characters, would be to decree that the business of the world should come to a full stand. And it must have stood as still in those periods of the Roman history as at this hour; for such characters were nearly as scarce then as they are now. The parallels of Lysander, Pericles, Themistocles, and Cæsar, are much easier to find in history, than those of Camillus, Fabius, and Curius. If the latter were with much difficulty drawn from their gardens to government, and returned with pleasure at the end of the consular year to their rural amusements, the former are as ardent to continue in the public service; and if the public will not legally reward them, they plunder the public to reward themselves. The father of Themistocles had more aversion to public life than Cincinnatus; and to moderate the propensity of his son, who ardently aspired to the highest offices of the state, pointed to the old galleys rolling in the docks. "There," says he, "see the old statesmen, worn out in the service of their country, thus always neglected when no longer of use!"* Yet the son's ardor was not abated, though he was not one of those honest spirits that aimed only at the public good. Pericles, too, though his fortune was small, and the honest emoluments of his office very moderate, discovered no such aversion to the service; on the contrary, he entered into an emulation in prodigality with Cimon, who was rich, in order equally to dazzle the eyes of the multitude. To make himself the soul of the republic, and master of the affections of the populace, to enable them to attend the public assemblies and theatrical representations for his purposes, he lavished his donations; yet he was so far from being honest and generous, and

* Plutarch.

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aiming solely at the public good, that he availed himself of the riches of the state to supply his extravagance of expense, and made it an invariable maxim to sacrifice every thing to his own ambition. When the public finances were exhausted, to avoid accounting for the public money, he involved his country in a war with Sparta.

But we must not rely upon these general observations alone; let us descend to a particular consideration of our author's examples, in every one of which he is very unfortunate. The retirement of Cincinnatus to the country was not his choice, but his necessity. Cæso, his son, had offended the people by an outrageous opposition to their honest struggles for liberty, and had been fined for a crime; the father, rather than let his bondsmen suffer, paid the forfeiture of his recognizance, reduced himself to poverty, and the necessity of retiring to his spade or plough.[1] Did the people entreat and force him back to Rome? No. It was the senate in opposition to the people, who dreaded his high aristocratical principles, his powerful connections, and personal resentments. Nor did he discover the least reluctance to the service ordained him by the senate, but accepted it without hesitation. All this appears in Livy, clearly contradictory to every sentiment of our author.* At another time, when disputes ran so high between the tribunes and the senate that seditions were apprehended, the senators exerted themselves in the centuries for the election of Cincinnatus, to the great alarm and terror of the people.† Cincinnatus, in short, although his moral character and private life were irreproachable among the plebeians, appears to have owed his appointments to office, not to them, but the senate; and not for popular qualities, but for aristocratical ones, and the determined opposition of himself and his whole family to the people. He appears to have been forced into service by no party; but to have been as willing, as he was an able, instrument of the senate.

* Plebis concursus ingens fuit; sed ea nequaquam tam læta Quinctium vidit, et imperii nimium, et virum in ipso imperio vehementiorem rata. Liv. lib. iii. c. 26.

† Summo patrum studio, L. Quinctius Cincinnatus, pater Cæsonis, consul creatur, qui magistratum statim occiperet. Perculsa erat plebs, consulem habitura iratum, potentem favore Patrum, virtute suâ, tribus liberis, &c.

[1] Niebuhr dismisses the whole story of Cincinnatus found at his plough, as a fable.

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In order to see the inaptitude of this example in another point of view, let the question be asked, What would have been the fortune of Cincinnatus, if Nedham's "right constitution" had then been the government of Rome? The answer must be, that he would have lost his election, most probably even into the representative assembly; most certainly he would never have been consul, dictator, or commander of armies, because he was unpopular. This example, then, is no argument in favor of our author, but a strong one against him.

If we recollect the character and actions of Curius, we shall find them equally conclusive in favor of balanced government, and against our author's plan. Manius Curius Dentatus, in the year of Rome 462, obtained as consul a double triumph, for forcing the Samnites to sue for peace. This nation, having their country laid waste, sent their principal men as ambassadors, to offer presents to Curius for his credit with the senate, in order to their obtaining favorable terms of peace. They found him sitting on a stool before the fire, in his little house in the country, and eating his dinner out of a wooden dish. They opened their deputation, and offered him the gold and silver. He answered them politely, but refused the presents.* He then added somewhat, which at this day does not appear so very polished: "I think it glorious to command the owners of gold, not to possess it myself."

And which passion do you think is the worst, the love of gold, or this pride and ambition? His whole estate was seven acres of land, and he said once in assembly, "that a man who was not contented with seven acres of land, was a pernicious citizen." As we pass, it may be proper to remark the difference of times and circumstances. How few in America could escape the censure of pernicious citizens, if Curius's rule were established. Is there one of our yeomen contented with seven acres? How many are discontented with seventy times seven! Examples, then, drawn from times of extreme poverty, and a state of a very narrow territory, should be applied to our circumstances with great discretion. As long as the aristocracy lasted, a few of those rigid characters appeared from time to time in the Roman senate. Cato was one to the last, and went expressly to visit

* Val. Max. iv. 5. Cic. *De Senec.* 16. Senec. *Epist.* v. Cic. *pro Plancio*, 25. Plin. *Nat.* xviii. 4.

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the house of Curius, in the country of the Sabines; was never weary of viewing it, contemplating the virtues of its ancient owner, and desiring warmly to imitate them.

But, though declamatory writers might call the conduct of Curius "exactissima Romanæ frugalitatis norma," it was not the general character, even of the senators, at that time. Avarice raged like a fiery furnace in the minds of creditors, most of whom were patricians; and equal avarice and injustice in the minds of plebeians, who, instead of aiming at moderating the laws against debtors, would be content with nothing short of a total abolition of debts. Only two years after this, namely, in 465, so tenacious were the patricians and senators of all the rigor of their power over debtors, that Veturius, the son of a consul, who had been reduced by poverty to borrow money at an exorbitant interest, was delivered up to his creditor; and that infamous usurer, C. Plotius, exacted from him all the services of a slave, and the senate would grant no relief; and when he attempted to subject his slave to a brutal passion, which the laws did not tolerate, and scourged him with rods because he would not submit, all the punishment which the consuls and senate would impose on Plotius was imprisonment. This anecdote proves that the indifference to wealth was far from being general, either among patricians or plebeians; and that it was confined to a few patrician families, whose tenaciousness of the maxims and manners of their ancestors, *proudly* transmitted it from age to age.

In 477, Curius was consul a second time, when the plague, and a war with Pyrrhus, had lasted so long as to threaten the final ruin of the nation, and obliged the centuries to choose a severe character, not because he was beloved, but because his virtues and abilities alone could save the state. The austere character of the consul was accompanied by correspondent austerities, in this time of calamity, in the censors, who degraded several knights and senators, and among the rest, Rufinus, who had been twice consul and once dictator, for extravagance and luxury. Pyrrhus was defeated, and Curius again triumphed; and because a continuance of the war with Pyrrhus was expected, he was again elected consul, in 478. In 480, he was censor. After all, he was so little beloved, that an accusation was brought against him for having converted the public spoils to his own use,

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and he was not acquitted till he had sworn that no part of them had entered his house but a wooden bowl, which he used in sacrifice. All these sublime virtues and magnanimous actions of Curius, make nothing in favor of Nedham. He was a patrician, a senator, and a consul; he had been taught by aristocratical ancestors, formed in an aristocratical school, and was full of aristocratical pride. He does not appear to have been a popular man, either among the senators in general,[1] or the plebeians. Rufinus, his rival, with his plate and luxury, appears, by his being appointed dictator, to have been more beloved, notwithstanding that the censors, on the prevalence of Curius's party, in a time of distress, were able to disgrace him.

It was in 479 that the senate received an embassy from Ptolemy Philadelphus, King of Egypt, and sent four of the principal men in Rome, Q. Fabius Gurges, C. Fabius Pistor, Numer. Fabius Pistor, and Q. Ogulnius, ambassadors to Egypt, to return the compliment. Q. Fabius, who was at the head of the embassy, was prince of the senate, and on his return, reported their commission to the senate; said that the king had received them in the most obliging and honorable manner; that he had sent them magnificent presents on their arrival, which they had desired him to excuse them from accepting; that at a feast, before they took leave, the king had ordered crowns of gold to be given them, which they placed upon his statues the next day; that on the day of their departure, the king had given them presents far more magnificent than the former, reproaching them in a most obliging manner, for not having accepted them; these they had accepted, with most profound respect, not to offend the king, but that, on their arrival in Rome, they had deposited them in the public treasury; that Ptolemy had received the alliance of the Roman people with joy. The senate were much pleased, and gave thanks to the ambassadors for having rendered the manners of the Romans venerable to foreigners by their sincere disinterestedness; but decreed that *the rich presents deposited in the treasury should be restored to them*, and the people expressed

[1] There is great difficulty in understanding the position of Curius, from the absence of all accounts of the period. Niebuhr considers his unpopularity with the senators to grow out of his advocacy of a further assignment of lands to the people, which formed one of the principal subjects of party divisions in early Roman times. In that case the preference of Rufinus is not surprising.

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their satisfaction in this decree. These presents were undoubtedly immensely rich; but where was the people's care to make the service a burden? Thanks of the senate are no burdens; immense presents in gold and silver, voted out of the treasury into the hands of the ambassadors, were no "slender advantages of profit or pleasure," at a time when the nation was extremely poor, and no individual in it very rich. But, moreover, three of these ambassadors were Fabii, of one of those few simple, frugal, aristocratical families, who neither made advantage of the law in favor of creditors, to make great profits out of the people by exorbitant usury on one hand, nor gave largesses to the people to bribe their affection on the other; so that, although they were respected and esteemed by all, they were not hated nor much beloved by any; and such is the fate of men of such simple manners at this day in all countries. Our author's great mistake lies in his quoting examples from a balanced government, as proofs in favor of a government without a balance. The senate and people were at this time checks on each other's avarice; the people were the electors into office, but none, till very lately, could be chosen but patricians; none of the senators, who enriched themselves by plundering the public of lands or goods, or by extravagant usury from the people, could expect their votes to be consuls or other magistrates; and there was no commerce or other means of enriching themselves; all, therefore, who were ambitious of serving in magistracies, were obliged to be poor. To this constant check and balance between the senate and people the production and the continuance of these frugal and simple patrician characters and families appear to be owing.

If our author meant another affair of 453, it is still less to his purpose, or rather still more conclusively against him. It was so far from being true, in the year 454, the most simple and frugal period of Roman history, that "none but honest, generous, and public spirits desired to be in authority, and that only for the common good," and that there "was no canvassing for voices," that the most illustrious Romans offered themselves as candidates for the consulship; and it was only the distress and imminent danger of the city from the Etrurians and Samnites, and a universal alarm, that induced the citizens to cast their eyes on Fabius, who did not stand. When he saw the suffrages run for him, he arose and spoke: "Why should he be solicited, an old

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man, exhausted with labors, and satiated with rewards, to take the command? That neither the strength of his body or mind were the same. He dreaded the caprice of fortune. Some divinity might think his success too great, too constant, too much for any mortal. He had succeeded to the glory of his ancestors, and he saw himself with joy succeeded by others. That great honors were not wanting at Rome to valor, nor valor to honors."* It was extreme age, not the "slender advantages of honors," that occasioned Fabius's disinclination, as it did that of Cincinnatus on another occasion. This refusal, however, only augmented the desire of having him. Fabius then required the law to be read, which forbade the reëlection of a consul before ten years. The tribunes proposed that it should be dispensed with, as all such laws in favor of rotations ever are when the people wish it. Fabius asked why laws were made, if they were to be broken or dispensed with by those who made them; and declared that the laws governed no longer, but were governed by men.† The centuries, however, persevered, and Fabius was chosen. "May the gods make your choice successful!" says the old hero; "dispose of me as you will, but grant me one favor, Decius for my colleague, a person worthy of his father and of you, and one who will live in perfect harmony with me."

There is no such stinginess of honors on the part of the people, nor any such reluctance to the service for want of them, as our author pretends; it was old age and respect to the law only. And one would think the sentiments and language of Fabius sufficiently aristocratical; his glory, and the glory of his ancestors and posterity, seem to be uppermost in his thoughts. And that disinterest was not so prevalent in general appears this very year; for a great number of citizens were cited by the ædiles, to take their trials for possessing more land than the law permitted. All this rigor was necessary to check the avidity of the citizens. But do you suppose Americans would make or sub-

* Quid se jam senem, ac perfunctum laboribus laborumque præmiis, sollicitarent? Nec corporis, nec animi vigorem remanere eundem; et fortunam ipsam véreri, ne cui deorum nimia jam in se, et constantior, quam velint humanæ res, videatur. Et se gloriæ seniorum succrevisse, et ad gloriam suam consurgentes alios lætum adspicere. Nec *honores magnos* viris fortissimis Romæ, nec honoribus deesse fortes viros. Liv.

† Jam regi leges, non regere.

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mit to a law to limit to a small number, or to any number, the acres of land which a man might possess?

Fabius fought, conquered, and returned to Rome, to preside in the election of the new consuls; and there appear circumstances which show that the great zeal for him was chiefly aristocratical. The first centuries, all aristocratics, continued him. Appius Claudius, of consular dignity, and surely not one of our author's "honest, generous, and public spirits," nor one of his "single and plain-hearted men," but a warm, interested, and ambitious man, offered himself a candidate, and employed all his credit, and that of all the nobility, to be chosen consul with Fabius; less, as he said, for his private interest, than for the honor of the whole body of the patricians, whom he was determined to reëstablish in the possession of both consulships. Fabius declined, as the year before; but all the nobility surrounded his seat, and *entreated* him, to be sure; but to do what? Why, to rescue the consulship from the dregs and filth of the people, to restore the dignity of consul and the order of patricians to their ancient aristocratical splendor. Fabius appears, indeed, to have been urged into the office of consul; but by whom? By the patricians, and to keep out a plebeian. The senate and people were checking each other; struggling together for a point, which the patricians could carry in no way but by violating the laws, and forcing old Fabius into power. The tribunes had once given way, from the danger of the times; but this year they were not so disposed. The patricians were still eager to repeat the irregularity; but Fabius, although he declared he should be glad to assist them in obtaining two patrician consuls, yet he would not violate the law so far as to nominate himself; and no other patrician had interest enough to keep out L. Volumnius, the plebeian, who was chosen with Appius Claudius. Thus facts and events, which were evidently created by a struggle between two orders in a balanced government, are adduced as proofs in favor of a government with only one order, and without a balance.

Such severe frugality, such perfect disinterestedness in public characters, appear only, or at least most frequently, in aristocratical governments. Whenever the constitution becomes democratical, such austerities disappear entirely, or at least lose their influence, and the suffrages of the people; and if an unmixed

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and unchecked people ever choose such men, it is only in times of distress and danger, when they think no others can save them. As soon as the danger is over, they neglect these, and choose others more plausible and indulgent.

There is so much pleasure in the contemplation of these characters, that we ought by no means to forget Camillus. This great character was never a popular one. To the senate and the patricians he owed his great employments, and seems to have been selected for the purpose of opposing the people.

The popular leaders had no aversion, for themselves or their families, to public honors and offices with all their burdens. In 358, P. Licinius Calvus, the first of the plebeian order who had ever been elected military tribune, was about to be reëlected, when he arose and said, "Romans, you behold only the shadow of Licinius. My strength, hearing, memory, are all gone, and the energy of my mind is no more. Suffer me to present my son to you, (and he held him by the hand,) the living image of him whom you honored first of all the plebeians with the office of military tribune. I devote him, educated in my principles, to the commonwealth, and shall be much obliged to you if you will grant him the honor in my stead." Accordingly, the son was elected. The military tribunes acted with great ardor and bravery, but were defeated, and Rome was in a panic, very artfully augmented by the patricians, to give a pretext for taking the command out of plebeian hands. Camillus was created dictator by the senate, and carried on the war with such prudence, ability, and success, that he saw the richest city of Italy, that of Veii, was upon the point of falling into his hands with immense spoils. He now felt himself embarrassed. If he divided the spoils with a sparing hand among the soldiery, he would draw upon himself their indignation, and that of the plebeians in general. If he distributed them too generously, he should offend the senate; for, with all the boasted love of poverty of those times, the senate and people, the patricians and plebeians, as bodies, were perpetually wrangling about spoils, booty, and conquered lands; which further shows, that the real moderation was confined to a very few individuals or families.

Camillus, to spare himself reproach and envy, dictator as he was, wrote to the senate "that, by the favor of the gods, his own exertions, and the patience of the soldiers, Veii would soon be

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in his hands, and, therefore, he desired their directions what to do with the spoils." The senate were of two opinions: Licinius was for giving notice to all the citizens, that they might go and share in the plunder; Appius Claudius would have it all brought into the public treasury, or appropriated to the payment of the soldiers, which would ease the people of taxes. Licinius replied, that if that money should be brought to the treasury, it would be the cause of eternal complaints, murmurs, and seditions. The latter advice prevailed, and the plunder was indiscriminate; for the city of Veii, after a ten years' siege, in which many commanders had been employed, was at last taken by Camillus by stratagem; and the opulence of it appeared so great, that the dictator was terrified at his own good fortune and that of his country. He prayed the gods, if it must be qualified with any disgrace, that it might fall upon him, not the commonwealth. This piety and patriotism, however, did not always govern Camillus. His triumph betrayed an extravagance of vanity more than bordering on profaneness; he had the arrogance and presumption to harness four white horses in his chariot, a color peculiar to Jupiter and the Sun, an ambition more than Roman, more than human. Here the people were very angry with Camillus, for having too little reverence for religion. The next moment they were still more incensed against him, for having too much; for he reminded them of the vow he had made, to consecrate a tenth part of the spoils to Apollo. The people, in short, did not love Camillus; and the senate adored him, because he opposed the multitude on all occasions, without any reserve, and appeared the most ardent and active in resisting their caprices. It was easier to conquer enemies than to please citizens.* This mighty aristocratic grew so unpopular, that one of the tribunes accused him before the people of applying part of the spoils of Veii to his own use; and finding, upon consulting his friends, that he had no chance of acquittal, he went into voluntary banishment at Ardea. But he prayed to the gods to make his ungrateful country regret his absence. He was tried in his absence, and condemned in a fine.

Had Nedham's constitution existed at Rome, would Camillus have taken Veii, or been made dictator, or employed at all?

* Excellentibus ingeniis citius defuerit ars quâ civem regant, quam quâ hostem superent. Liv. ii. 43.

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Certainly not. Characters much more plausible would have run him down, or have obliged him to imitate all their indulgences.

In all these examples, of Cincinnatus, Curius, Fabius, and Camillus, &c., our author quotes examples of virtues which grew up only in a few aristocratical families, were cultivated by the emulation between the two orders in the state, and by their struggles to check and balance each other, to prove the excellence of a state where there is but one order, no emulation, and no balance. This is like the conduct of a poet, who should enumerate the cheerful rays and refulgent glories of the sun in a description of the beauties of midnight.

Whether *succession* is or is not the grand preservative against corruption, the United States of America have adopted this author's idea in this "reason,"[1] so far as to make the governor and senate, as well as the house of representatives, annually elective. They have, therefore, a clear claim to his congratulations. They are that happy nation. They ought to rejoice in the wisdom and justice of their trustees; for certain limits and bounds are fixed to the powers in being, by a declared succession of the supreme authority annually in the hands of the people.

It is still, however, problematical, whether this succession will be the grand preservative against corruption, or the grand inlet to it. The elections of governors and senators are so guarded, that there is room to hope; but, if we recollect the experience of past ages and other nations, there are grounds to fear. The experiment is made, and will have fair play. If corruption breaks in, a remedy must be provided; and what that remedy must be, is well enough known to every man who thinks.

Our author's examples are taken from the Romans, after the abolition of monarchy, while the government was an aristocracy, in the hands of a senate, balanced only by the tribunes. It is most certainly true, that a standing authority in the hands of one, the few, or the many, has an impetuous propensity to corruption; and it is to control this tendency that three orders, equal

[1] "A third reason why the people, in their supreme assemblies successively chosen, are the best keepers of their liberty is, because, as motion in bodies natural, so succession in civil, is the grand preventive of corruption." Nedham, p. 4.

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and independent of each other, are contended for in the legislature. While power was in the hands of a senate, according to our author, the people were ever in danger of losing their liberty. It would be nearer the truth to say, that the people had no liberty, or a very imperfect and uncertain liberty; none at all before the institution of the tribunes, and but an imperfect share afterwards; because the tribunes were an unequal balance to the senate; and so, on the other side, were the consuls. "Sometimes in danger from kingly aspirers." But whose fault was that? The senate had a sufficient abhorrence of such conspiracies. It was the people who encouraged the ambition of particular persons to aspire, and who became their partisans. Mælius would have been made a king by the people, if they had not been checked by the senate; and so would Manlius. To be convinced of this, it is necessary only to recollect the story.

Spurius Mælius, a rich citizen of the Equestrian order, in the year before Christ 437, and of Rome the three hundred and fifteenth, a time of scarcity and famine, aspired to the consulship. He bought a large quantity of corn in Etruria, and distributed it among the people. Becoming, by his liberality, the darling of the populace, they attended his train wherever he went, and promised him the consulship. Sensible, however, that the senators, with the whole Quinctian family at their head, would oppose him, he must use force; and, as ambition is insatiable, and cannot be contented with what is attainable, he conceived that to obtain the sovereignty would cost him no more trouble than the consulship. The election came on, and as he had not concerted all his measures, T. Quinctius Capitolinus and Agrippa Menenius Lanatus were chosen by the influence of the senate. L. Minucius was continued *præfectus annonæ*, or superintendent of provisions. His office obliged him to do in public the same that Mælius affected to do in private; so that the same kind of people frequented the houses of both. From them he learned the transactions at Mælius's, and informed the senate that arms were carried into his house, where he held assemblies, made harangues, and was taking measures to make himself king; and that the tribunes, corrupted by money, had divided among them the measures necessary to secure the success of the enterprise. Quinctius Capitolinus proposed a dictator, and Quinctius Cincinnatus (for the Quinctian family were omnipotent) was appointed. The

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earnest entreaties and warm remonstrances of the whole senate prevailed on him to accept the trust, after having long refused it, not from any reluctance to public service, but on account of his great age, which made him believe himself incapable of it. Imploring the gods not to suffer his age to be a detriment to the public, he consented to be nominated, and immediately appointed Ahala master of the horse, appeared suddenly in the forum, with his lictors, rods, and axes, ascended the tribunal with all the ensigns of the sovereign authority, and sent his master of horse to summon Mælius before him. Mælius endeavored, in his first surprise to escape; a lictor seized him. Mælius complained that he was to be sacrificed to the intrigues of the senate for the good he had done the people. The people grew tumultuous. His partisans encouraged each other, and took him by force from the lictor. Mælius threw himself into the crowd. Servius followed him, run him through with his sword, and returned, covered with his blood, to give an account to the dictator of what he had done. "You have done well," said Cincinnatus; "continue to defend your country with the same courage as you have now delivered it, — Macte virtute esto, liberata republica."

The people being in great commotion, the dictator calls an assembly, and pronounces Mælius justly killed. With all our admiration for the moderation and modesty, the simplicity and sublimity of his character, it must be confessed that there is in the harangue of Cincinnatus more of the aristocratical jealousy of kings and oligarchies, and even more of contempt of the people, than of a soul devoted to equal liberty, or possessed of understanding to comprehend it. It is the speech of a simple aristocratic, possessed of a great soul. It was a city in which, such was its aristocratical jealousy of monarchy and oligarchy, Brutus had punished his son; Collatinus Tarquinius, in mere hatred of his name, had been obliged to abdicate the consulship and banish himself; Spurius Cassius had been put to death for intending to be king; and the decemvirs had been punished with confiscation, exile, and death, for their oligarchy. In such a city of aristocratics, Mælius had conceived a hope of being a king. "Et quis homo?" says Cincinnatus; and who was Mælius? "quanquam nullam nobilitatem, nullos honores, nulla merita cuiquam ad dominationem pandere viam; sed tamen Claudios, Cassios, consulatibus, decemviratibus, suis majorumque honori-

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bus, splendore familiarum sustulisse animos, quo nefas fuerit."* Mælius, therefore, was not only a traitor but a monster; his estate must be confiscated, his house pulled down, and the spot called Æquimelium, as a monument of the crime and the punishment;† and his corn distributed to the populace, *very cheap*, in order to appease them. This whole story is a demonstration of the oppression of the people under the aristocracy; of the extreme jealousy of that aristocracy of kings, of an oligarchy, and of popular power; of the constant secret wishes of the people to set up a king to defend them against the nobles, and of their readiness to fall in with the views of any rich man who flattered them, and set him up as a monarch; but it is a most unfortunate instance for Nedham. It was not the people who defended the

* "Who is this man? without nobility, without honors, without merit, to open for him a way to the monarchy! Claudius, indeed, and Cassius, had their souls elevated to ambition by their consulships and decemvirates, by the honors of their ancestors, and the splendor of their families." Is there an old maiden aunt Eleanor, of seventy years of age, in any family, whose brain is more replete with the haughty ideas of blood, than that of the magnanimous Cincinnatus appears in this speech? Riches are held in vast contempt! The equestrian order is no honor nor nobility; that, too, is held in sovereign disdain! Beneficence and charity, in a most exalted degree, at a time when his brother aristocrats were griping the people to death by the most cruel severities, and the most sordid and avaricious usury, were no merit in Mælius; but consulships, decemvirates, honors, and the splendor of family, have his most profound admiration and veneration! Every circumstance of this appears in this speech; and such was the real character of the man. And whoever celebrates or commemorates Cincinnatus as a patron of liberty, either knows not his character, or understands not the nature of liberty.

This judgment passed upon Cincinnatus is entirely confirmed by Niebuhr, as follows:—

"It is obvious that Cincinnatus has undeservedly been deified by posterity. In the time of the decemvirs and tyrants, he did nothing; and twenty years after this occurrence, he acted completely in the interest of a faction, and shed the innocent blood of Mælius." *Lectures on the History of Rome*, edited by Dr. L. Schmitz, vol. i. p. 157.

† Livii *Hist.* lib. iv. cc. 13–16.

"It is a melancholy reflection, that a man like Cincinnatus, a hoary veteran, now at the goal of a virtuous and illustrious life, should have lent himself, as is probable, to the commission of a murder, in the service of a faction; yet such we must deem to have been his conduct. Nowhere have characters been more cruel; nowhere has the voice of conscience against the views of faction been so defied, and yet, consistently with great virtues, as in aristocratic republics; and not those of antiquity only. Men, otherwise of spotless conduct, have frequently shed the purest and noblest blood, influenced by fanaticism, and often without any resentment, in the service of party. The seditious demagogue was often less sanguinary; but usually, if he murdered, he was less purely a fanatic than the former; because he acted more for his own, and less for the interests of his order. Yet the former were only the nobler beasts of prey."
Niebuhr, *Roman History*, translated by F. A. Walter, vol. ii. p. 192.

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republic against the design of Mælius; but the senate, who defended it against both Mælius and the people. Had Rome been then governed by Marchamont Nedham's "Right Constitution of a Commonwealth," Mælius would infallibly have been made a king, and have transmitted his crown to his heirs. The necessity of an independent senate, as a check upon the people, is most apparent in this instance. If the people had been unchecked, or if they had only had the right of choosing a house of representatives unchecked, they would, in either case, have crowned Mælius.

At the critical moment, when the Gauls had approached the capitol with such silence as not to awaken the sentinels or even the dogs, M. Manlius, who had been consul three years before, was awakened by the cry of the geese, which, by the sanctity of their consecration to Juno, had escaped with their lives in an extreme scarcity of provisions. He hastened to the wall, and beat down one of the enemy who had already laid hold of the battlement, and whose fall from the precipice carried down several others who followed him. With stones and darts the Romans precipitated all the rest to the bottom of the rock. Manlius the next day received in a public assembly his praises and rewards. Officers and soldiers, to testify their gratitude, gave him their rations for one day, both in corn and wine, half a pound of corn and a quarter of a pint of wine. "Ingens caritatis argumentum, cum se quisque victu suo fraudans, detractum corpori atque usibus necessariis ad honorem unius viri conferret," says Livy; and in the year of Rome 365, the commonwealth gave to Manlius a house upon the capitol, as a monument of his valor and his country's gratitude.

In the year of Rome 370, fifty-five years after the execution of Mælius, and five years after the defence of the capitol from the attack of Brennus, Manlius is suspected of ambition. Those who had hitherto excited, or been excited by the people to faction, had been plebeians. Manlius was a patrician of one of the most illustrious families. He had been consul, and acquired immortal glory by his military exploits and by saving the capitol; he was, in short, the rival of Camillus, who had obtained two signal victories over the Gauls, and from the new birth of the city had been always in office, either as dictator or military tribune; and even when he was only tribune, his colleagues con-

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sidered him as their superior, and held it an honor to receive his orders as their chief. In short, by his own reputation, the support of the Quinctian family, and the enthusiastic attachment to him he had inspired into the nation, he was, in fact and effect, to all intents and purposes, king in Rome, without the name, but under the various titles of consul, dictator, or military tribune. "He treats," said Manlius, "even those created with powers equal to his own, not as his colleagues, but officers and substitutes to execute his orders." The aristocratical Livy, and all the other aristocrats of Rome, accuse Manlius of envy. They say he could not bear such glory in a man whom he believed no worthier than himself. He despised all the rest of the nobility. The virtues, services, and honors of Camillus alone excited his haughtiness and self-sufficiency, and tortured his jealousy and pride. He was enraged to see him always at the head of affairs, and commanding armies. It is certain that this practice of continuing Camillus always at the head was inconsistent with the spirit of the constitution, by which a rotation was established, and the consuls who had the command of armies could remain in office but one year. But this is the nature of an aristocratical assembly as well as of a democratical one. Some eminent spirit, assisted by three or four families connected with him, gains an ascendency, and excites an enthusiasm, and then the spirit and letter too of the constitution is made to give way to him. In the case before us, when Camillus could not be consul, he must be military tribune; and when he could not be military tribune, he must be dictator.

Manlius is charged with envy, and with vain speeches. "Camillus could not have recovered Rome from the Gauls if I had not saved the capitol and citadel." This was literally true; but aristocratical historians must brand the character of Manlius in order to depress the people, and extol and adore that of Camillus in order to elevate the senate and the nobles. But there is no solid reason to believe that Manlius envied Camillus, more than that Camillus and the Quinctian family were both envious and jealous of Manlius. The house upon the capitol was what the Quinctian family could not bear.

The truth is, an aristocratical despotism then ruled in Rome, and oppressed the people to a cruel decree; and one is tempted to say, that Manlius was a better man than Camillus or Cincin-

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natus, though not so secret, designing, and profound a politician, let the torrent of aristocratical history and philosophy roll as it will. There were two parties, one of the nobles, and another of the people; Manlius, from superior humanity and equity, embraced the weaker; Camillus, and the Quinctii, from family pride like that of Lycurgus, domineered over the stronger party, of which they were in full possession. Manlius threw himself into the scale of the people; he entered into close intimacy and strict union with the tribunes; he spoke contemptuously of the senate, and flattered the multitude. "Jam aurâ, non consilio ferri, famæque magnæ malle quam bonæ esse," says the aristocrat Livy. But let us examine his actions, not receive implicitly the epithets of partial historians. The Roman laws allowed exorbitant interest for the loan of money; an insolvent debtor, by the decree of the judge, was put into the hands of his creditor as his slave, and might be scourged, pinched, or put to death, at discretion; the most execrable aristocratical law that ever existed among men; a law so diabolical, that an attempt to get rid of it at almost any rate was a virtue. The city had been burnt, and every man obliged to rebuild his house. Not only the poorest citizen, but persons in middle life, had been obliged to contract debts. Manlius, seeing the rigor with which debts were exacted, felt more commiseration than his peers for the people. Seeing a centurion, who had distinguished himself by a great number of gallant actions in the field, adjudged as a slave to his creditor, his indignation as well as his compassion, were aroused; he inveighed against the pride of the patricians, cruelty of the usurers, deplored the misery of the people, and expatiated on the merit of his brave companion in war; surely no public oration was ever better founded; he paid the centurion's debt, and set him at liberty, with much ostentation to be sure, and strong expressions of vanity, but this was allowable by the custom and manners of the age. The centurion too displayed his own merit and services, as well as his gratitude to his deliverer. Manlius went further; he caused the principal part of his own patrimony to be sold, "in order, Romans," said he, "that I may not suffer any of you, whilst I have any thing left, to be adjudged to your creditors, and made slaves." This, no doubt, made him very popular; but, in the warmth of his democratical zeal, he had been transported upon some occasion

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to say in his own house, that the senators had concealed, or appropriated to their own use, the gold intended for the ransom of the city from the Gauls, alluding, probably, to the fact; for that gold had been deposited under the pedestal of Jupiter's statue. Manlius, perhaps, thought that this gold would be better employed to pay the debts of the people. The senate recalled the dictator, who repaired to the forum attended by all the senators, ascended his tribunal, and ordered his lictor to cite Manlius before him. Manlius advanced with the people; on one side was the senate with their clients, and Camillus at their head; and on the other, the people, headed by Manlius; and each party ready for battle at the word of command. And such a war will, sooner or later, be kindled in every state, where the two parties of poor and rich, patricians and plebeians, nobles and commons, senate and people, call them by what names you will, have not a third power, in an independent executive, to intervene, moderate, and balance them. The artful dictator interrogated Manlius only on the story of the gold. Manlius was embarrassed, for the superstition of the people would have approved of the apparent piety of the senate in dedicating that treasure to Jupiter, though it was probably only policy to hide it. He evaded the question, and descanted on the artifice of the senate in making a war the pretext for creating a dictator, while their real design was to employ that terrible authority against him and the people. The dictator ordered him to prison. The people were deeply affected; but the authority was thought to be legal, and the Romans had prescribed bounds to themselves, through which they dared not break. The authority of the dictator and senate held them in such respect, that neither the tribunes nor the people ventured to raise their eyes or open their mouths. They put on mourning, however, and let their hair and beards grow, and surrounded the prison with continual crowds, manifesting every sign of grief and affliction. They publicly said, that the dictator's triumph was over the people, not the Volsci, and that all that was wanting was to have Manlius dragged before his chariot. Every thing discovered symptoms of an immediate revolt.

Here comes in a trait of aristocratical cunning, *ad captandum vulgus*, much more gross than any that had been practised by Manlius. To soften the people, the senate became generous all

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at once, ordered a colony of two thousand citizens to be sent out, assigning each of them two acres and a half of land. Though this was a largess, it was confined to too small a number, and was too moderate to take off all Manlius's friends. The artifice was perceived, and when the abdication of the dictatorship of Cossus had removed the fears of the people and set their tongues at liberty, it had small effect in appeasing the people, who reproached one another with ingratitude to their defenders, for whom they expressed great zeal at first, but always abandoned in time of danger; witness Cassius and Mælius. The people passed whole nights round the prison, and threatened to break down the gates. The senate set Manlius at liberty to prevent the people from doing it.

The next year, 371, dissensions were renewed with more acrimony than ever. Manlius, whose spirit was not accustomed to humiliation, was exasperated at his imprisonment; Cossus not having dared to proceed with the decision of Cincinnatus against Mælius, and even the senate having been compelled to give way to the discontent of the people, he was animated to attempt a reformation of the constitution. "How long," said he to the people, "will you be ignorant of your own strength, of which nature has not thought fit that beasts themselves should be ignorant? Count your number and that of your adversaries; show them war, and you will have peace. Let them see that you are prepared, and they will immediately grant what you ask; determine to be bold in undertaking, or resolve to suffer the utmost injuries. How long will you fix your eyes upon me? Must I repeat the fate of Cassius and Mælius? I hope the gods will avert such a misfortune from me. But those gods will not descend from heaven to defend me. You must remove the danger from me. Shall your resistance to the senate always end in submission to the yoke? That disposition is not natural to you; it is the habit of suffering them to ride you, which they have made their right and inheritance. Why are you so courageous against your enemies abroad, and so soft and timorous in defence of your liberty at home? Yet you have hitherto always obtained what you demanded. It is now time to undertake greater things. You will find less difficulty in giving the senators a master, than it has cost you to defend yourselves against them, while they have had the power and the will to lord it over you. *Dictators*

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and consuls must be abolished, if you would have the people raise their heads. Unite with me; prevent debtors from suffering the rigors of those odious laws. I declare myself the patron and protector of the people. If you are for exalting your chief by any more splendid title, or illustrious dignity, you will only augment his power for your support, and to obtain your desires." Ego me patronum profiteor plebis. Vos, si, quo insigni magis imperii honorisve nomine vestrum appellabitis ducem, eo utemini potentiore ad obtinenda ea quæ vultis. This is a manifest intention of introducing a balance of three branches.

In this oration are all the principles of the English constitution. The authority and power of the people to demolish one form of government and erect another, according to their own judgment or will, is clearly asserted. The necessity of abolishing the dictators and consuls, and giving to one chief magistrate the power to control the senate and protect the people, is pointed out. The senate is not proposed to be abolished, nor the assemblies of the people, nor their tribunes; but the abolition of cruel debtors' laws and redress of all the people's grievances is to be the consequence. The aristocracy was at that time a cruel tyranny; the people felt it; Manlius acknowledged it. Both saw the necessity of new-modelling the constitution and introducing the three branches of Romulus and Lycurgus, with better and clearer limitations; and both were desirous of attempting it.

If, in reading history, the glosses and reflections of historians are taken implicitly, a mistaken judgment will often be formed. Rome was an aristocracy, and Livy an aristocratical writer. The constitution of government, the principles, prejudices, and manners of the times, should never be a moment out of sight. If we believe the Romans, Manlius was actuated only by envy and ambition; but if we consider his actions, and the form of government at the time, we should be very apt to pronounce him both a greater and a better man than Camillus. To speak candidly, there was a rivalry between the Manlian and the Quinctian families, and the struggle was, which should be the first family and who the first man. And such a struggle exists, not only in every empire, monarchy, republic, but in every city, town, and village in the world. But a philosopher might find as good reason to say that Manlius was sacrificed to the envy,

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jealousy, and ambition of Camillus and the Quinctii, as that his popular endeavors for the plebeians sprung from envy of Camillus, and ambition to be the first man. Both were heads of parties, and had all the passions incident to such a situation. But if a judgment must be pronounced, which was the best man and citizen, there are very strong arguments in favor of Manlius.

The name of king was abhorred by the Romans. But who and what had made it so? Brutus, and his brother aristocrats, at the expulsion of Tarquin, by appointing religious execrations to be pronounced in the name of the whole state and for all succeeding ages against such as should dare to aspire to the throne. In this way, any word or any thing may be made unpopular at any time and in any nation. The senate were now able to set up the popular cry, that Manlius aspired to the throne; this revived all the religious horror which their established execrations had made an habitual part of their natures, and turned an ignorant, superstitious populace against the best friend and the only friend they had in the republic. The senate first talked of assassination and another Ahala; but, to be very gentle, they ordered "the magistrates to take care that the commonwealth sustained no prejudice from the pernicious designs of Manlius." This was worse than private assassination; it was an assassination by the senate. It was judgment, sentence, and execution, without trial. The timid, staring people were intimidated, and even the tribunes caught the panic, and offered to take the odium off the senate, and cite Manlius before the tribunal of the people themselves, and accuse him in form. It is impossible not to suspect, nay, fully to believe, that these tribunes were bribed secretly by the senators. They not only abandoned him with whom they had coöperated, but they betrayed the people, their constituents, in the most infamous manner. They said, that in the present disposition, Manlius could not be openly attacked, without interesting the people in his defence; that violent measures would excite a civil war; that it was necessary to separate the interests of Manlius from those of the people. They themselves would cite him before the tribunal of the people, and accuse him in form. Nothing, said the tribunes, is less agreeable to the people than a king. As soon as the multitude sees that your aim is not against them; that from protectors they are become judges; that their tribunes are the accusers, and that *a patrician is accused* for hav-

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ing aspired at the tyranny, no interest will be so dear to them as that of their liberty. Their liberty! The liberty of plebeians at that time! What a prostitution of sacred terms! Yet, gross as was this artifice, it laid fast hold of those blind prejudices which patricians and aristocrats had inspired, and duped effectually a stupid populace. Manlius was cited by the tribunes before the people. In a mourning habit he appeared, without a single senator, relation, or friend, or even his own brothers, to express concern for his fate. And no wonder; a senator, and a person of consular dignity, was never known to have been so universally abandoned. But nothing can be more false than the reflections of historians upon this occasion. "So much did the love of liberty and the fear of being enslaved prevail in the hearts of the Romans over all the ties of blood and nature!" It was not love of liberty, but absolute fear, which seized the people. The senate had already condemned him by their vote, and given their consuls dictatorial power against Manlius and his friends. The tribunes themselves were corrupted with bribes or fear; and no man dared expose himself to aristocratical vengeance, unprotected by the tribunes.

To prove that it was fear, and not patriotism, that restrained his relations and friends, we need only recollect another instance. When Appius Claudius, the decemvir, was imprisoned for treason, much more clear than that of Manlius, and for conduct as wicked, brutal, and cruel, as Manlius's appears virtuous, generous, and humane, the whole Claudian family, even C. Claudius, his professed enemy, appeared as suppliants before the judges, imploring mercy for their relation. His friends were not afraid. Why? Because Claudius was an enemy and hater of the people, and, therefore, popular with most of the patricians. His crimes were aristocratical crimes, therefore, not only almost venial, but almost virtues. Manlius's offence was, love of the people; and democratical misdemeanors are the most unpardonable of all that can be committed or conceived in a government where the demon of aristocracy domineers. Livy himself betrays a consciousness of the insufficiency of the evidence to prove Manlius's guilt. He says he can discover no proof, nor any other charge of any crime of treason, "*regni crimen*," except some assemblies of people, seditious speeches, generosity to debtors, and the false insinuation of the concealment of the gold.

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But here we see what the people are when they meet in one assembly with the senators. They dare not vote against the opinion or will of the nobles and patricians. The aristocratical part of mankind ever did, and ever will, overawe the people, and carry what votes they please in general, when they meet together with the democratical part, either in a collective or representative assembly. Thus it happened here. Superstition decided. While in sight of the capitol, their religious reverence for the abode of Jupiter, saved and inhabited by Manlius, was a counterbalance to their fears and veneration for the senators descended from the gods. The people could not condemn him in sight of the capitol. The tribunes, knowing what was in them, adjourned to another place the next day. The capitol out of sight, and the senators present, condemned their deliverer; and he died a sacrifice to the rancorous envy of his peers in the senate, the consulate, and patrician order, who could not bear the sight of so splendid a distinction and elevation above themselves in any one of their order, as Manlius's house upon the capitol, and his title of Capitolinus. "Homines prope quadringentos produxisse dicitur, quibus sine fœnore expensas pecunias tulisset, quorum bona venire, quos duci addictos prohibuisset. Ad hæc, decora quoque belli non commemorasse tantùm, sed protulisse etiam conspicienda; spolia hostium cæsorum ad triginta, dona imperatorum ad quadraginta, in quibus insignes duas murales coronas, civicas octo. Ad hæc servatos ex hostibus cives produxisse; inter quos, C. Servilium magistrum equitum absentem nominatum; et, quum ea quoque quæ bello gesta essent, pro fastigio rerum, oratione etiam magnificâ facta dictis æquando, memorasset, nudasse pectus insigne cicatricibus bello acceptis; et identidem, Capitolium spectans, Jovem deosque alios devocasse ad auxilium fortunarum suarum; precatusque esse, ut, quam mentem sibi Capitolinam arcem protegenti ad salutem populi Romani dedissent, eam populo Romano in suo discrimine darent; et orasse singulos universosque, ut capitolium atque arcem intuentes, ut ad deos immortales versi, de se judicarent."

By removing the assembly from the Campus Martius, where the people were assembled in centuries, (*centuriatim,*) to the Grove, (*Petelinum Lucum,*) from whence the capitol could not be seen, *obstinatis animis triste judicium,* with gloomy obstinacy the fatal sentence was passed, and the tribunes cast him down

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from the Tarpeian rock. "Such was the catastrophe," says Livy, "of a man who, if he had not lived in a free city, would have merited fame." He should have said, if he had not lived in a simple aristocracy, and alarmed the envy of his fellow aristocrats by superior merit, services, and rewards, especially that most conspicuous mark, his house upon the capitol, and his new title,[1] or agnomen, Capitolinus, which mortal envy could not bear.

He was no sooner dead, than the people repented and regretted him. A sudden plague that broke out was considered as a judgment from Heaven upon the nation, for having polluted the capitol with the blood of its deliverer.

The history of Manlius is an unanswerable argument against a simple aristocracy; it is a proof that no man's liberty or life is safe in such a government; the more virtue and merit he has, the more in danger, the more certain his destruction.[2] It is a good argument against a standing sovereign and supreme authority in an hereditary aristocracy: so far Nedham quotes it pertinently, and applies it justly. But, when the same example is cited to prove that the people in one supreme assembly, successively chosen, are the best keepers of their liberty, so far from proving the proposition, it proves the contrary, because Camillus, the Quinctii, and Manlius will all be chosen into that one assembly by the people; the same emulation and rivalry, the same jealousy and envy, the same struggles of families and individuals for the first place, will arise between them. One of them will have the rich and great for his followers, another the poor; hence will arise two, or three, or more parties, which will never cease to struggle till war and bloodshed decide which is the strongest. Whilst the struggle continues, the laws are trampled on, and the rights of the citizens invaded by all parties in turn; and when it is decided, the leader of the victorious army is emperor and despot.

Nedham had forgotten the example of Cassius, which would have been equally apposite to prove a simple aristocracy a bad government, and equally improper to prove that the people, in

[1] This seems to be a mistake, as the title was not original with him in his family.

[2] This view of the career and fate of Manlius is much more clearly and strongly taken than that in the first volume. (See volume iv. p. 533.) It is very much the same with that since adopted by Niebuhr. *Lectures*, edited by Dr. Schmitz, vol. i. p. 280.

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their supreme assemblies, successively chosen, are the best keepers of their liberty. It is also equally proper to prove the contrary, and to show that such a simple democracy is as dangerous as a simple aristocracy. These examples all show that the natural principles of the English constitution were constantly at work among the Roman people; that nature herself was constantly calling out for two masters to control the senate, one in a king or single person, possessed of the executive power, and the other in an equal representation of the people, possessed of a negative on all the laws, and especially on the disposal of the public money. As these examples are great illustrations of our argument, and illustrious proofs of the superior excellence of the American constitutions, we will examine the story of Cassius before we come to that of the decemvirs.

The first notice that is taken of Cassius is in the year 252, when he was consul, gained considerable advantages over the Sabines, and received the honor of a triumph. In 256, he was chosen by Lartius, the first dictator, general of the horse, and commanded a division of the army with success against the Latins. In the year 261, disputes ran so high between patricians and plebeians, that no candidate appeared for the consulship, and several refused; the vessel was in such a storm, that nobody would accept the helm. The people who remained in the city at last nominated Posthumus Cominius, and Spurius Cassius, who were believed equally agreeable to plebeians and patricians. The first thing they did was to propose the affair of the debts to the senate. A violent opposition ensued, headed by Appius, who constantly insisted that all the favor shown the populace only made them the more insolent, and that nothing but inflexible severity could reduce them to their duty. The younger senators all blindly adopted this opinion. Nothing passed in several tumultuous assemblies, but altercations and mutual reproaches. The ancient senators were all inclined to peace. Agrippa, who had observed a sagacious medium, neither flattering the pride of the great, nor favoring the license of the people, being one of the new senators whom Brutus had chosen after the expulsion of Tarquin, supported the opinion, that the good of the state required the reëstablishment of concord among the citizens. Sent by the senate to treat with the people retired to the sacred mountain, he spoke his celebrated fable of the

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Belly and the Members. The people, at this conference, insisted that, as by the creation of dictators with unlimited authority, the law which admitted appeals to the people from the decrees of any magistrate whatever, was eluded, and in a manner made void, tribunes should be created, a new species of magistrates, whose sole duty should be the conservation of their rights. The affair of Coriolanus happened in this interval, between the first consulate of Sp. Cassius, in 261, and the second, in 268; in which, probably, he had acted in favor of the people, in establishing the tribunate, and in defending them against Coriolanus, Appius Claudius, and the other oligarchic senators. This year, 268, he marched against the Volsci and Hernici, who made peace, and the consul obtained the honor of a triumph.

Cassius, after his triumph, represented to the senate, that "the people merited some reward for the services they had rendered the commonwealth, for defending the public liberty, and subjecting new countries to the Roman power; that the lands acquired by their arms belonged to the public, though some patricians had appropriated them to themselves; that an equitable distribution of these lands would enable the poor plebeians to bring up children for the benefit of the commonwealth; and that such a division alone could establish that equality which ought to subsist between the citizens of the same state." He associated in this privilege the Latins settled at Rome, who had obtained the freedom of the city. "Tum primum lex agraria promulgata est."* This law, which had at least a great appearance of equity, would have relieved the misery of the people, and no doubt rendered Cassius popular. The Romans never granted peace to their enemies until they had taken some of their territory from them. Part of such conquests were sold to defray the expense of the war; another portion was distributed among the poor plebeians. Some cantons were farmed out for the public; rapacious patricians, solely intent upon enriching themselves, took possession of some; and these lands, unjustly usurped by the rich, Cassius was for having distributed anew in favor of the plebeians.[1]

* Liv. *Hist.* l. ii. c. 41.

[1] Niebuhr has thrown great light upon the subject of the agrarian laws since this was written; but his views, instead of weakening, very much corroborate the argument of the text.

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The aristocratical pride, avarice, and ambition, were all incensed, and the senators greatly alarmed. The people discovered symptoms, that they had begun to think themselves of the same species with their rulers; and one patrician of consular dignity, dared to encourage them in such presumptuous and aspiring thoughts. Some device or other must be invented to dupe the people and ruin their leader. Virginius, the consul, soon hit upon an expedient. Rabuleius, the tribune, asked him in assembly what he thought of this law? He answered, he would willingly consent that the lands should be distributed among the Roman people, provided the Latins had no share. Divide et impera. This distinction, without the least appearance of equity, was addressed simply to the popular hatred between the Romans and Latins, and the bait was greedily swallowed. The people were highly pleased with the consul, and began to despise Cassius, and to suspect him of ambition to be king. He continued his friendly intentions towards the people, and proposed in senate to reimburse, as it was but just, out of the public treasury, the money which the poor citizens had paid for the corn, of which Gelo, King of Syracuse, had made the commonwealth a present during the scarcity. But even this was now represented by the senate, and suspected by the people, to be only soliciting popular favor; and, although the people felt every hour the necessity of a king to protect them against the tyranny of the senate, yet they had been gulled by patrician artifice into an oath against kings, and, although they felt the want of such a magistrate, they had not sense enough to see it. The agrarian law was opposed in the senate by Appius and Sempronius, and evaded by the appointment of ten commissioners to survey the lands.

The next year Cassius was cited before the people, and accused by the quæstors of having taken secret measures for opening a way to the sovereignty; of having provided arms, and received money from the Latins and Hernici; and of having made a very great party among the most robust of their youth, who were continually seen in his train.

The people heard the quæstors, but gave no attention to Cassius's answer and defence. No consideration for his children, his relations and friends, who appeared in great numbers to support him; no remembrance of his great actions, by which he had raised himself to the first dignities; nor three consulships and

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two triumphs, which had rendered him very illustrious, could delay his condemnation; so unpardonable a crime with the Romans, was the slightest suspicion of aspiring at regal power![1] So ignorant, so unjust, so ungrateful, and so stupid, were that very body of plebeians, who were continually suffering the cruel tyranny of patricians, and continually soliciting protectors against it! Without regarding any moderation or proportion, the blind tools of the hatred and vengeance of their enemies, they condemned Cassius to die, and the quæstors instantly carried him to the Tarpeian rock, which fronted the forum, and threw him down, in the presence of the whole people. His house was demolished, and his estate sold to purchase a statue to Ceres; and the faction of the great grew more powerful and haughty, and rose in their contempt for the plebeians, who lost courage in proportion, and soon reproached themselves with injustice, as well as imprudence, in the condemnation of the zealous defender of their interests. They found themselves cheated in all things. The consuls neither executed the senate's decree for distributing the lands, nor were the ten commissioners elected. They complained, with great truth, that the senate did not act with sincerity; and accused the tribunes of the last year of betraying their interests. The tribunes of this year warmly demanded the execution of the decree, to elude which a new war was invented. The patricians preserved their aristocratical tyranny for many centuries, by keeping up continually some quarrel with foreigners, and by frequently creating dictators. The patricians, in the assemblies by centuries, had an immense advantage over the plebeians. The consuls were here chosen by the patricians, as Cassius and Manlius were murdered by assemblies in centuries. In 270, Cæso Fabius, one of Cassius's accusers, was chosen consul, though very unpopular. In 271, the other of Cassius's accusers was chosen consul.

In these contests the steadiness of the patricians is as remark-

[1] "Cassius was a very important man; otherwise he would not have been thrice consul, which for those times was something unheard of. With the exception of P. Valerius Poplicola, no one had been so often invested with the consulship. The manner in which Cassius concluded his treaties affords proof of a great soul; it is, therefore, very possible that he had the purest intentions of wisdom and justice. A great man, unquestionably, he was, whether he was guilty or not guilty, and the faction which condemned him was detestable." Niebuhr, *Lectures*, edited by Dr. Schmitz, vol. i. p. 159.

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able as the inconstancy of the plebeians; the sagacity of the former as obvious as the stupidity of the latter; and the cruelty of the former as conspicuous as the ingratitude of the latter. Prejudice, passion, and superstition, appear to have altogether governed the plebeians, without the least appearance of their being rational creatures, or moral agents; such was their total ignorance of arts and letters, all the little advantages of education which then existed being monopolized by the patricians. The aristocracy appears in precisely the same character, in all these anecdotes, as we before saw it in Venice, Poland, Bern, and elsewhere. The same indispensable necessity appears in all of them, in order to preserve even the appearance of equity and liberty, to give the patricians a master in the first executive magistrate, and another master in a house of commons; I say, master; for each of the three branches must be, in its turn, both master and servant, governing and being governed by turns.

To understand how the people were duped upon these occasions, and particularly how Manlius was condemned to death, we must recollect that the tribunes cited him before the people, not in their curiæ, but centuries. The centuries were formed on an artful idea, to make power accompany wealth. The people were divided into classes, according to the proportion of the fortunes; each class was divided into centuries; but the number of centuries in the different classes was so unequal, that those of the first, or richest class, made a majority of the whole, and when the centuries of this class were unanimous they decided the question. By this institution the rich were masters of the legislature.

STATE OF THE CLASSES AND CENTURIES.

Class.		Roman Valuation.		Sterling £. s.		No. of Centuries
1	—	100,000	=	322 18	—	98
2	—	75,000	=	242 3	—	21
3	—	50,000	=	161 9	—	21
4	—	25,000	=	80 14	—	21
5	—	11,000	=	35 10	—	31
6	—		=		—	1
					Total,	193 from
						98 sub.
						95
				Majority of the first class,		3

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So that by citing Manlius before the people by centuries, the senate were sure of a vote for his destruction, and the people had not sense to see it, or spirit to alter it.

Nedham, thus far, appears to reason fairly and conclusively, when he adduces the examples of Mælius and Manlius, and he might have added Cassius, to prove that the people are ever in danger of losing their liberty; and, indeed, he might have advanced that they never have any liberty, where they are governed by one senate. But these examples do not prove what he alleges them to prove, namely, — "that the people, in their supreme assemblies, successively chosen, are the best keepers of their liberty;" because such an assembly is subject to every danger of a standing, hereditary senate; and more, the first vote divides it into two parties, and the majority is omnipotent, and the minority defenceless. He should have adduced these examples to prove the necessity of separating the executive, legislative, and judicial, and of dividing the legislature into three branches, making the executive one of them, and independent of the other two. This is the only scientific government; the only plan which takes into consideration all the principles in nature, and provides for all cases that occur.

He is equally right, and equally wrong, in the application of his other examples. "The people," says he, "were sometimes in danger of a surprise by a grandee cabinet or junto, as that upstart tyranny of the decemviri, where ten men made a shift to enslave the senate as well as the people." It is no wonder that Cassius, Mælius, and Manlius, were sacrificed to the passions of the senate, for until the year of Rome 300, the Romans had no certain laws; so that the consuls and senators, acting as judges, were absolute arbiters of the fate of the citizens. Terentillus, a tribune, had proposed an ordinance that laws should be instituted, as rules of right, both in public and private affairs. The senate had eluded and postponed, by various artifices, the law of Terentillus until this year, 300, when the tribunes solicited the execution of it with great spirit; and the senate, weary of contention, or apprehensive of greater danger, at length decreed, "That ambassadors should be sent to Athens, and to the Greek cities in Italy, to collect such laws as they should find most conformable to the constitution of the Roman commonwealth; and that at their return, the consuls should

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deliberate with the senate upon the choice of legislators, of the power to be confided to them, and the time they were to continue in office." Sp. Posthumius, Servius Sulpicius, and A. Manlius, three persons of consular dignity, were appointed deputies. Three galleys were prepared by the public, of a magnificence that might do honor to the Roman people.

In the year 302, the ambassadors were returned, and Appius Claudius, whose ancestors had always been haughty aristocratics, was chosen consul, with T. Genucius for his colleague. The senate assembled and resolved that decemviri should be elected out of the principal senators, whose authority should continue a year; that they should govern the commonwealth with all the power which the consuls then had, and as the kings had formerly exercised, and without any appeal from their judgments; that all other magistracies, and even the tribuneship, should be abolished. This decree was received by the people with loud acclamations. An assembly, by centuries, was immediately held, and the new magistrates created, and the old ones all abdicated their offices. Thus the constitution was wholly changed, and all authority transferred to one centre, the decemvirs. It was soon exercised like all other authorities in one centre. We see here the effect of two powers, without a third. The people from hatred to the consuls, and the senate from hatred to the tribunes, unite at once in a total abolition of the constitution.

The constitution of the decemvirs was precisely Nedham's idea; it was annually eligible; it was the people's government in their successive assemblies; but we find that an annual power, without any limits, was a great temptation. The decemvirs were all senators of consular dignity, and therefore, in the opinion of the people themselves, the most eminent for talents and virtues; yet their virtues were not sufficient to secure an honest use of their unbounded power. They took many precautions to preserve their own moderation, as well as to avoid exciting jealousy in their fellow-citizens; only one had the rods and axes, the others had nothing to distinguish them but a single officer, called *Accensus*, who walked before each of them. Their president continued only one day; and they succeeded each other daily till the end of the year.

It is much to our purpose to enlarge upon this example; because, instead of being an argument for Nedham's inconcin-

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nate system, it is full proof against it. The course of passions and events, in this case, were precisely the same as will take place in every simple government of the people, by a succession of their representatives, in a single assembly; and whether that assembly consists of ten members, or five hundred, it will make no difference. In the morning, the decemviri all went to their tribunal, where they took cognizance of all causes and affairs, public and private; justice was administered with all possible equity; and everybody departed with perfect satisfaction. Nothing could be so charming as the regard they professed for the interests of the people, and the protection which the meanest found against the oppression of the great. It was now generally affirmed that there was no occasion for tribunes, consuls, prætors, or any other magistrates. The wisdom, equity, moderation, and humanity of the new government, was admired and extolled. What peace, what tranquillity, what happiness were enjoyed by the public and by individuals! what a consolation! what glory to the decemvirs! Appius Claudius, especially, engrossed the whole glory of the administration in the minds of the people. He acquired so decided an ascendency over his colleagues, and so irresistible an influence with the people, that the whole authority seemed centred in him. He had the art to distinguish himself, peculiarly, in whatever he transacted, in concert with his colleagues. His mildness and affability, his kind condescension to the meanest and weakest of the citizens, and his polite attention in saluting them all by their names, gained him all hearts. Let it be remembered he had, till this year, been the open enemy of the plebeians. As his temper was naturally violent and cruel, his hatred to the people had arisen to ferocity. On a sudden he was become another man; humane, popular, obliging, wholly devoted to please the multitude and acquire their affections. Everybody delighted in the government of the decemvirs, and a perfect union prevailed among themselves. They completed their body of laws, and caused it to be engraved on ten tables. They were ratified by the senate, confirmed by the people in the *comitia centuriata*, engraven on pillars of brass, and placed in the forum.

The year was upon the point of expiring; and as the consuls and senators found themselves delivered by the new government from the persecutions of the tribunes, and the people from what

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they equally hated, the authority of the consuls, both parties agreed in the propriety of choosing ten successors. It was pretended that some further laws might be still wanting; that a year was too short to complete so great a work; and that to carry the whole into full effect, the independent authority of the same magistracy would be necessary. That which must happen upon all annual elections of such a government in one centre, happened in this case. The city was in a greater and more universal ferment than had ever been known. Senators, the most distinguished by age and merit, demanded the office; no doubt to prevent factious and turbulent spirits from obtaining it. Appius, who secretly intended to have himself continued, seeing those great persons, who had passed through all dignities, so eager in pursuit of this, was alarmed. The people, charmed with his past conduct while decemvir, openly clamored to continue him in preference to all others. He affected at first a reluctance, and even a repugnance, at the thought of accepting a second time an employment so laborious, and so capable of exciting jealousy and envy against him. To get rid of his colleagues, and to stimulate them to refuse the office, he declared upon all occasions that, as they had discharged their duty with fidelity, by their assiduity and anxious care for a whole year, it was but just to allow them repose and appoint them successors. The more aversion he discovered, the more he was solicited. The desires and wishes of the whole city, the unanimous and earnest solicitations of the multitude, were at length, with pain and reluctance, complied with. He exceeded all his competitors in artifice. He embraced one, took another by the hand, and walked publicly in the forum, in company with the Duilii and Icilii, the two families who were the principals of the people and the pillars of the tribunate. His colleagues, who had been hitherto his dupes, knowing these popular condescensions to be contrary to his character, which was naturally arrogant, began to open their eyes; but not daring to oppose him openly, they opposed their own address to his management. As he was the youngest among them, they chose him president, whose office it was to nominate the candidates to offices, relying upon his modesty not to name himself; a thing without example, except among the tribunes. But modesty and decency were found in him but feeble barriers against ambition. He not only caused himself to be elected, but excluded all his

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colleagues of the last year, and filled up the nine other places with his own tools, three of whom were plebeians. The senate and whole patrician body were astonished at this, as it was thought by them contrary to his own glory and that of his ancestors, as well as to his haughty character. This popular trait entirely gained him the multitude. It would be tedious to relate the manner in which they continued their power from year to year, with the most hardened impudence on their part, the most silly acquiescence of the people, and the fears of the senate and patricians. Their tyranny and cruelty became at length intolerable; and the blood of Virginia, on a father's dagger, was alone sufficient to arouse a stupid people from their lethargy.

Is it not absurd in Nedham to adduce this example, in support of the government of the people by their successive representatives annually chosen? Were not the decemvirs the people's representatives? and were not their elections annual? and would not the same consequences have happened, if the number had been one hundred, or five hundred, or a thousand, instead of ten? "O, but the people of Rome should not have continued them in power from year to year." How will you hinder the people from continuing them in power? If the people have the choice, they may continue the same men; and we certainly know they will; no bonds can restrain them. Without the liberty of choice, the deputies would not be the people's representatives. If the people make a law that the same man shall never serve two years, the people can and will repeal that law; if the people impose upon themselves an oath, they will soon say and believe they can dispense with that oath. In short, the people will have the men whom they love best for the moment, and the men whom they love best will make any law to gratify their present humor. Nay, more, the people ought to be represented by the men who have their hearts and confidence, for these alone can ever know their wants and desires. But these men ought to have some check to restrain them and the people too when those desires are for forbidden fruit — for injustice, cruelty, and the ruin of the minority. And that the desires of the majority of the people are often for injustice and inhumanity against the minority, is demonstrated by every page of the history of the whole world.

We come next to the examples of continuing power in particular persons. The Romans were swallowed up, by continuing

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power too long in the hands of the triumvirates of emperors or generals. The first of these were Cæsar, Pompey, and Crassus. But who continued the power of Cæsar? If the people continued it, the argument arising from the example is against a civil government of the people, or by their successive representative assemblies. Was it the senate, was it the standing permanent power in the constitution, that conferred this continuance of power on Cæsar? By no means. It is again necessary to recollect the story, that we may not be imposed on. No military station existed in Italy, lest some general might overawe the republic. Italy, however, was understood to extend only from Tarentum to the Arnus and the Rubicon. Cisalpine Gaul was not reputed to be in Italy, and might be held by a military officer and an army. Cæsar, from a deliberate and sagacious ambition, procured from the people an unprecedented prolongation of his appointments for five years; but the distribution of the provinces was still the prerogative of the senate, by the Sempronian law. Cæsar had ever been at variance with a majority of the senate. In the office of prætor he had been suspended by them. In his present office of consul, he had set them at open defiance. He had no hopes of obtaining from them the prolongation of his power and the command of a province. He knew that the very proposal of giving him the command of Cisalpine Gaul for a number of years would have shocked them. In order to carry his point, he must set aside the authority of the senate, and destroy the only check, the only appearance of a balance, remaining in the constitution. A tool of his, the tribune Vatinius, moved *the people* to set aside the law of Sempronius, and, by their own unlimited power, name Cæsar as pro-consul of Cisalpine Gaul and Illyricum for five years, with an army of several legions. The senate were alarmed, and in vain opposed. The people voted it. The senate saw that all was lost; and Cato cried, "You have placed a king with his guards in your citadel." Cæsar boasted, that he had prevailed both in obtaining the consulate and the command, not by the concession of the senate, but in direct opposition to their will. He was well aware of their malice, he said. Though he had a consummate command of his temper, and the profoundest dissimulation, while in pursuit of his point, his exuberant vanity braved the world when he had carried it. He now openly insulted the senate, and no longer

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concealed his connection with Pompey and Crassus, whom he had overreached to concur in his appointment. Thus, one of the clearest and strongest examples in history, to show the necessity of a balance between an independent senate and an independent people, is adduced by Nedham in favor of his indigested plan, which has no balance at all. The other example of Augustus, Antony, and Lepidus, is not worth considering particularly; for the trial between them was but a struggle of arms, by military policy alone, without any mixture of civil or political debates or negotiations.

The fourth reason is, "because a succession of supreme powers destroys faction;" which is defined to be "an adhering to an interest distinct from the true interest of the state."

In this particular, one may venture to differ altogether from our author, and deny the fact, that a succession of sovereign authority in one assembly, by popular elections, destroys faction. We may affirm the contrary; that a standing authority in an absolute monarch, or an hereditary aristocracy, is less friendly to the monster than a simple popular government; and that it is only in a mixed government, of three independent orders, of the one, the few, and the many, and three separate powers, the legislative, executive, and judicial, that all sorts of factions, those of the poor and the rich, those of the gentlemen and common people, those of the one, the few, and the many, can at all times be quelled. The reason given by our author is enough to prove this. "Those who are factious, must have time to improve their sleights and projects, in disguising their designs, drawing in instruments, and worming out their opposites." In order to judge of this, let us put two suppositions: 1. Either the succession must be by periodical elections, simply; or, 2, by periodical elections in rotation. And, in either case, the means and opportunities of improving address and systems, concealing or feigning designs, making friends and escaping enemies, are greater in a succession of popular elections, than in a standing aristocracy or simple monarchy, and infinitely greater than in a mixed government. When the monster Faction is watched and guarded by Cerberus with his three heads, and a sop is thrown to him to corrupt or appease him, one mouth alone will devour it, and the other two will give the alarm.

But to return to our first case, a succession in one assembly, by

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simple annual elections. Elections are the best possible schools of political art and address. One may appeal to any man who has equal experience in elections and in courts, whether address and art, and even real political knowledge, is not to be acquired more easily, and in a shorter time, in the former than in the latter. A king of France once asked his most able and honest ambassador, D'Ossat, where he had learned that wonderful dexterity with which he penetrated into the bosoms of men of all nations and characters, unravelled every plait in the human soul, and every intricacy of affairs and events? The cardinal answered, "Sire, I learned it all in my youth, at the election of a parish officer." It is a common observation in England, that their greatest statesmen, and their favorite Chatham among the rest, were formed by attendance on elections. The human heart is nowhere so open and so close by turns. Every argument is there exhausted; every passion, prejudice, imagination, superstition, and caprice, is easily and surely learned among these scenes. One would suspect that Shakspeare had been an electioneering agent. When these elections are in a single city, like Rome, there will be always two sets of candidates. If one set succeeds one year, the other will endeavor to succeed the next. This will make the whole year a scene of faction and intrigue, and every citizen, except, perhaps, a very few, who will not meddle on either side, a partisan or factious man. If the elections are in a large country, like England, for example, or one of the United States of America, where various cities, towns, boroughs, and corporations, are to be represented, each scene of election will have two or more candidates, and two or more parties, each of which will study its sleights and projects, disguise its designs, draw in tools, and worm out enemies. We must remember, that every party, and every individual, is now struggling for a share in the executive and judicial power, as well as legislative, for a share in the distribution of all honors, offices, rewards, and profits. Every flattery and menace, every passion and prejudice of every voter will be applied to; every trick and bribe that can be bestowed, and will be accepted, will be used; and, what is horrible to think of, that candidate, or that agent, who has fewest scruples; who will propagate lies and slanders with most confidence and secrecy; who will wheedle, flatter, and cajole; who will debauch the people by treats, feasts, and diversions, with the least hesitation; and bribe with the most

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impudent front, which can consist with hypocritical concealment, will draw in tools and worm out enemies the fastest. Unsullied honor, sterling integrity, real virtue, will stand a very unequal chance. When vice, folly, impudence, and knavery have carried an election one year, they will acquire, in the course of it, fresh influence and power to succeed the next. In the course of the year, the delegate in an assembly that disposes of all commissions, contracts, and pensions, has many opportunities to reward his friends among his own constituents, and to punish his enemies. The son or other relation of one friend has a commission given him in the army, another in the navy, a third a benefice in the church, a fourth in the customs, a fifth in the excise; shares in loans and contracts are distributed among his friends, by which they are enabled to increase their own and his dependents and partisans, or, in other words, to draw in more instruments and parties, and worm out their opposites. All this is so easy to comprehend, so obvious to sight, and so certainly known in universal experience, that it is astonishing that our author should have ventured to assert, that such a government kills the canker-worm Faction.

But to consider the subject in one other point of view, let us introduce the idea of a rotation, by which is here meant, not merely vacating a seat, which the electors may fill again with the same subject, but a fundamental law, that no man shall serve in the sovereign assembly more than one year, or two or three years, or one in three, or three in six, &c.; for example, suppose England, or any one of the United States, governed by one sovereign assembly, annually elected, with a fundamental law, that no member should serve more than three years in six; what would be the consequence? In the first place, it is obvious that this is a violation of the rights of mankind; it is an abridgment of the rights both of electors and candidates. There is no right clearer, and few of more importance, than that the people should be at liberty to choose the ablest and best men, and that men of the greatest merit should exercise the most important employments; yet, upon the present supposition, the people voluntarily resign this right, and shackle their own choice. This year the people choose those members who are the ablest, wealthiest, best qualified, and have most of their confidence and affection. In the course of the three years they increase their

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number of friends, and consequently their influence and power, by their administration, yet at the end of three years they must all return to private life, and be succeeded by another set, who have less wisdom, wealth, and virtue, and less of the confidence and affection of the people. Will either they or the people bear this? Will they not repeal the fundamental law, and be applauded by the nation, at least by their own friends and constituents, who are the majority, for so doing? But supposing so unnatural and improbable a thing, as that they should yet respect the law, what will be the consequence? They will, in effect, nominate their successors, and govern still. Their friends are the majority, their successors will be all taken from their party, and the mortified minority will see themselves the dupes. Those men who have the most weight, influence, or power, whether by merit, wealth, or birth, will govern, whether they stay at home or go to parliament. Such a rotation, then, will only increase and multiply factions.

Our author's examples must be again examined. "What made the Roman kings factious, but a continuation of power in their persons and families?" If it is admitted that they were factious, as Tarquin no doubt was, it is certain that the nobles about them were much more so; and their factious actions were chiefly occasioned by the eternal jealousy and envy, rivalry and ambition, of the great families that were nearest to them. But the effect was produced by their powers being undefined, unlimited by law, and unchecked by constitutional power, not by its prolongation. The power of the king, and the power of the senate, were continued; and neither was checked, for the people had not a power adequate to the purpose of checking either, much less both; both grew factious, but the senate most so, and drove away the king, that they might have the exclusive power of being factious, and without the least regard to the liberty of the people.

"After the Romans became a commonwealth, was it not for the same reason that the senate fell into such heats and fits among themselves?" It may be truly answered, that it was not the continuation of power in the senate, but the powers being unlimited, that made it factious. A power without a check is a faction. The senate itself was a faction from the first moment after the expulsion of the kings. But if the

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senate had been annually chosen by the people, and held the same unlimited power, their factions, heats, and fits, would have been much earlier, and more violent. "Did not Appius Claudius and his junto by the same means lord it over the senate?" It was, again, the illimitation of his power that enabled him to lord it. It was granted only for one year. And who continued it? The people. And who can hinder the people, when they have no check, from continuing power? Who ought to hinder them? But if Appius's unchecked power had grown up from step to step, by a series of popular elections, he would not have lorded it less; he might have possessed Virginia, and have murdered her father with impunity. Continuation of power, in the same persons and families, will as certainly take place in a simple democracy, or a democracy by representation, as in an hereditary aristocracy or monarchy. This evil, if it be one, will not be avoided nor remedied, but increased and aggravated, by our author's plan of government. The continuation will be certain; but it will be accomplished by corruption, which is worse than a continuation by birth; and if corruption cannot effect the continuation, sedition and rebellion will be recurred to; for a degraded, disappointed, rich and illustrious family would at any time annihilate heaven and earth, if it could, rather than fail of carrying its point.

It is our author's peculiar misfortune, that all his examples prove his system to be wrong. "Whence was it that Sylla and Marius caused so many proscriptions, cruelties, and combustions, in Rome, but by an extraordinary continuation of power in themselves?" Continuation of power in Marius, &c. enabled him to commit cruelties, to be sure; but who continued him in power? was it the senate or the people? By the enthusiasm of the people for Marius, he had surrounded himself with assassins, who considered the patricians, nobles, and senate, as enemies to their cause, and enabled him and his faction to become masters of the commonwealth. The better sort of people, the really honest and virtuous republicans, were discouraged and deterred from frequenting the public assemblies. He had recourse to violence, in the elections of tribunes, that he might carry the choice of a prostituted tool of his own, Apuleius, against the senate and nobles; and because their candidate, Nonius, was chosen, though now vested with a sacred character, Marius's creatures murdered

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him. No man had courage to propose an inquiry into the cause of his death. Apuleius, to gratify his party, proposed new laws, to distribute lands to the poor citizens and to the veteran soldiers, to purchase more lands for the same purpose, to remit the price of corn already distributed from the public granaries, and to distribute still more, gratis, at the public expense, to the people. In vain did the quæstor and the senate represent that there would be an end of industry, order, and government. Apuleius, to extend the power of the popular assemblies, and remove every check from his own and Marius's designs, brought forward new laws;—1. That the acts of the tribes should have the force of laws; 2. That it should be treason to interrupt a tribune; 3. That the senate should be compelled to take an oath to confirm every act of the tribes in five days. The power of the senate was thus entirely suppressed; their branch of the legislature was reduced to a mere form, and even the form they were not at liberty to refuse. Marius, though he was at the bottom of this measure at first, by the most abandoned hypocrisy declared himself in senate against taking the oath, in order to ruin Metellus and all the other honest men; and, as soon as he had accomplished this, he took the oath, and compelled the rest to do the same. It was by flattery, bribery, artifice, and violence, that Marius and Apuleius prevailed with the people to continue their power, in opposition to all that the senate could do to prevent it. What would have been the consequence, then, if there had been no senate? Would not the majority of the people in the tribes have continued their power, against all that could have been done by the minority? Would not still more of the public lands, money, and grain, have been lavished upon proper instruments among the majority, and the minority have been compelled to pay the expense?

Our author affects to say, that the "senate and people continued the powers of Pompey and Cæsar." But Cæsar himself knew it was the people, and not the senate; and if the senate continued Pompey, it was because Cæsar and the people laid them under the necessity of doing it in their own defence. Would Cæsar have had less "command in Gallia," if the people, or their successive assemblies, had been possessed of all power? It is most obvious, that a majority of the people, in that case, would have continued Cæsar as long as he desired,

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and have given him as much power as he wished; so that every step of our author's progress demonstrates his system to be false. It is idle to say, that a continuation of power increases influence, and spreads corruption, unless you point out a way to prevent such a continuance of power. To give all power to the people's successive single representative assemblies, is to make the continuance of power, with all its increasing influence and corruption, certain and inevitable. You may as wisely preach to the winds, as gravely exhort a triumphant majority to lay down their power.

It is undoubtedly honorable in any man, who has acquired a great influence, unbounded confidence, and unlimited power, to resign it voluntarily; and odious to take advantage of such an opportunity to destroy a free government. But it would be madness in a legislator to frame his policy upon a supposition that such magnanimity would often appear. It is his business to contrive his plan in such a manner, that such unlimited influence, confidence, and power, shall never be obtained by any man. The laws alone can be trusted with unlimited confidence; those laws, which alone can secure equity between all and every one;* which are the bond of that dignity which we enjoy in the commonwealth; the foundation of liberty, and the fountain of equity; the mind, the soul, the counsel, and judgment of the city; whose ministers are the magistrates, whose interpreters the judges, whose servants are all men who mean to be free.† Those laws, which are right reason, derived from the Divinity, commanding honesty, and forbidding iniquity; which are silent magistrates, where the magistrates are only speaking laws; which, as they are founded on eternal morals, are emanations of the Divine mind.‡

If "the life of liberty, and the only remedy against self-inte-

* Quod æquabile inter omnes, atque unum omnibus esse potest. Cic. *pro Cæcin.* cap. 25.

† Hoc vinculum est hujus dignitatis, quâ fruimur in republicâ, hoc fundamentum libertatis, hic fons æquitatis. Mens, et animus, et consilium, et sententia civitatis, posita est in legibus. Ut corpora nostra sine mente; sic civitas sine lege, suis partibus, ut nervis ac sanguine et membris, uti non potest. Legum ministri, magistratus; legum interpretes, judices; legum denique idcirco omnes servi sumus, ut liberi esse possimus. Cic. *pro Cluent.* 146.

‡ Lex nihil aliud est, nisi recta et a numine Deorum tracta ratio, imperans honesta, prohibens contraria. Cic. xi. *in Anton.* 28. Illa Divina mens summa lex est. *De Leg.* ii. 5. Magistratum legem esse loquentem; legem autem mutum magistratum. *De Leg.* iii. 1.

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rest lies in succession of powers and persons," the United States of America have taken the most effectual measures to secure that life and that remedy, in establishing annual elections of their governors, senators, and representatives. This will probably be allowed to be as perfect an establishment of a succession of powers and persons as human laws can make; but in what manner annual elections of governors and senators will operate, remains to be ascertained. It should always be remembered, that this is not the first experiment that was ever made in the world of elections to great offices of state; how they have hitherto operated in every great nation, and what has been their end, is very well known. Mankind have universally discovered that chance was preferable to a corrupt choice, and have trusted Providence rather than themselves. First magistrates and senators had better be made hereditary at once, than that the people should be universally debauched and bribed, go to loggerheads, and fly to arms regularly every year. Thank Heaven! Americans understand calling conventions; and if the time should come, as it is very possible it may, when hereditary descent shall become a less evil than annual fraud and violence, such a convention may still prevent the first magistrate from becoming absolute as well as hereditary. But if this argument of our author is considered as he intended it, as a proof that a succession of powers and persons in one assembly is the most perfect commonwealth, it is totally fallacious.

Though we allow benevolence and generous affections to exist in the human breast, yet every moral theorist will admit the selfish passions in the generality of men to be the strongest. There are few who love the public better than themselves, though all may have some affection for the public. We are not, indeed, commanded to love our neighbor better than ourselves. Self-interest, private avidity, ambition, and avarice, will exist in every state of society, and under every form of government. A succession of powers and persons, by frequent elections, will not lessen these passions in any case, in a governor, senator, or representative; nor will the apprehension of an approaching election restrain them from indulgence if they have the power. The only remedy is to take away the power, by controlling the selfish avidity of the governor, by the senate and house; of the senate, by the governor and house; and of the

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house, by the governor and senate. Of all possible forms of government, a sovereignty in one assembly, successively chosen by the people, is perhaps the best calculated to facilitate the gratification of self-love, and the pursuit of the private interest of a few individuals; a few eminent conspicuous characters will be continued in their seats in the sovereign assembly, from one election to another, whatever changes are made in the seats around them; by superior art, address, and opulence, by more splendid birth, reputations, and connections, they will be able to intrigue with the people and their leaders, out of doors, until they worm out most of their opposers, and introduce their friends; to this end, they will bestow all offices, contracts, privileges in commerce, and other emoluments, on the latter and their connections, and throw every vexation and disappointment in the way of the former, until they establish such a system of hopes and fears throughout the state, as shall enable them to carry a majority in every fresh election of the house. The judges will be appointed by them and their party, and of consequence, will be obsequious enough to their inclinations. The whole judicial authority, as well as the executive, will be employed, perverted and prostituted to the purposes of electioneering. No justice will be attainable, nor will innocence or virtue be safe, in the judicial courts, but for the friends of the prevailing leaders; legal prosecutions will be instituted and carried on against opposers, to their vexation and ruin; and as they have the public purse at command, as well as the executive and judicial power, the public money will be expended in the same way. No favors will be attainable but by those who will court the ruling demagogues in the house, by voting for their friends and instruments; and pensions and pecuniary rewards and gratifications, as well as honors and offices of every kind, will be voted to friends and partisans. The leading minds and most influential characters among the clergy will be courted, and the views of the youth in this department will be turned upon those men, and the road to promotion and employment in the church will be obstructed against such as will not worship the general idol. Capital characters among the physicians will not be forgotten, and the means of acquiring reputation and practice in the healing art will be to get the state trumpeters on the side of youth. The bar, too, will be made so subservient, that a young gentleman will have no chance to

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obtain a character or clients, but by falling in with the views of the judges and their creators. Even the theatres, and actors and actresses, must become politicians, and convert the public pleasures into engines of popularity for the governing members of the house. The press, that great barrier and bulwark of the rights of mankind, when it is protected in its freedom by law, can now no longer be free; if the authors, writers, and printers, will not accept of the hire that will be offered them, they must submit to the ruin that will be denounced against them. The presses, with much secrecy and concealment, will be made the vehicles of calumny against the minority, and of panegyric and empirical applauses of the leaders of the majority, and no remedy can possibly be obtained. In one word, the whole system of affairs, and every conceivable motive of hope and fear, will be employed to promote the private interests of a few, and their obsequious majority; and there is no remedy but in arms. Accordingly we find in all the Italian republics the minority always were driven to arms in despair.

"The attaining of particular ends requires length of time; designs must lie long in fermentation to gain the opportunity to bring matters to perfection." It is true; but less time will be necessary in this case, in general, than even in a simple hereditary monarchy or aristocracy.

An aristocracy, like the Roman senate, between the abolition of royalty and the institution of the tribunate, is of itself a faction, a private partial interest. Yet it was less so than an assembly annually chosen by the people, and vested with all authority, would be; for such an assembly runs faster and easier into an oligarchy than an hereditary aristocratical assembly. The leading members having, as has been before shown in detail, the appointment of judges, and the nomination to all lucrative and honorable offices, they have thus the power to bend the whole executive and judicial authority to their own private interest, and by these means to increase their own reputations, wealth, and influence, and those of their party, at every new election; whereas, in a simple hereditary aristocracy, it is the interest of the members in general to preserve an equality among themselves as long as they can; and as they are smaller in number, and have more knowledge, they can more easily unite for that purpose, and there is no opportunity for any one to in-

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crease his power by any annual elections. An aspiring aristocrat, therefore, must take more time, and use more address, to augment his influence; yet we find in experience, that even hereditary aristocracies have never been able to prevent oligarchies rising up among them, but by the most rigorous, severe, and tyrannical regulations, such as the institution of inquisitions, &c.

It may sound oddly to say that the majority is a faction; but it is, nevertheless, literally just. If the majority are partial in their own favor, if they refuse or deny a perfect equality to every member of the minority, they are a faction; and as a popular assembly, collective or representative, cannot act, or will, but by a vote, the first step they take, if they are not unanimous, occasions a division into majority and minority, that is, into two parties, and the moment the former is unjust it is a faction. The Roman decemvirs themselves, were set up by the people, not by the senate; much longer time would have been required for an oligarchy to have grown up among the patricians and in the senate, if the people had not interposed and demanded a body of laws, that is, a constitution. The senate opposed the requisition as long as they could, but at last appointed the decemvirs, much against their own inclinations, and merely in compliance with the urgent clamors of the people. Nedham thinks, that "as the first founders of the Roman liberty did well in driving out their kings; so, on the other side, they did very ill in settling a standing authority within themselves." It is really very injudicious, and very ridiculous, to call those Roman nobles, who expelled their kings, founders of the Roman liberty; nothing was farther from their heads or their hearts than national liberty; it was merely a struggle for power between a king and a body of haughty envious nobles; the interests of the people and of liberty had no share in it. The Romans might do well in driving out their king; he might be a bad and incorrigible character; and in such a case any people may do well in expelling or deposing a king. But they did not well in demolishing the single executive magistracy; they should have then demanded a body of laws, a definite constitution, and an integral share in the legislature for the people, with a precise delineation of the powers of the first magistrate and senate. In this case they would have been entitled to the praise of founders of Roman

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liberty; but as it was, they only substituted one system of tyranny for another, and the new one was worse than the old.

They certainly "did very ill in settling a standing 'sovereign' supreme authority within themselves." Thus far our author is perfectly in the right, and the reason he gives for this opinion is very well founded; it is the same that was given thousands of years before him, by Plato, Socrates, and others, and has been constantly given by all succeeding writers in favor of mixed governments, and against simple ones, "because, lying open to the temptations of honor and profit," or, in other words, having their ambition and vanity, avarice and lust, hatred and resentment, malice and revenge, in short, their self-love, and all their passions ("which are sails too big for any human bulk") unrestrained by any controlling power, they were at once transported by them, and made use of their public power not for the good of the commonwealth, but for the gratification of their private passions, whereby they put the commonwealth into frequent flames of discontent and sedition.

Thus far is very well; but when our author goes on to say, "which might all have been prevented, could they have settled the state free, indeed, by placing an orderly succession of supreme authority in the hands of the people," he can be followed by no one who knows what is in man, and in society; because that supreme authority falls out of the whole body into a majority at the first vote. To expect self-denial from men, when they have a majority in their favor, and consequently power to gratify themselves, is to disbelieve all history and universal experience; it is to disbelieve Revelation and the Word of God, which informs us, the heart is deceitful above all things, and desperately wicked. There have been examples of self-denial, and will be again; but such exalted virtue never yet existed in any large body of men, and lasted long; and our author's argument requires it to be proved, not only that individuals, but that nations and majorities of nations, are capable, not only of a single act, or a few acts, of disinterested justice and exalted self-denial, but of a course of such heroic virtue for ages and generations; and not only that they are capable of this, but that it is probable they will practise it. There is no man so blind as not to see, that to talk of founding a government upon a supposition that nations and great bodies of men, left to themselves,

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will practise a course of self-denial, is either to babble like a new-born infant, or to deceive like an unprincipled impostor.

Nedham has himself acknowledged, in several parts of this work, the depravity of men in very strong terms. In this fifth reason he avers "temptations of honor and profit" to be "sails too big for any human bulk." Why then does he build a system on a foundation which he owns to be so unstable? If his mind had been at liberty to follow his own ideas and principles, he must have seen that a succession of supreme authority in the hands of the people, by their house of representatives, is at first an aristocracy as despotical as a Roman senate, and becomes an oligarchy even sooner than that assembly fell into the decemvirate. There is this infallible disadvantage in such a government, even in comparison with an hereditary aristocracy, that it lets in vice, profligacy, and corruption, like a torrent, with tyranny; whereas the latter often guards the morals of the people with the utmost severity. Even the despotism of aristocracy preserves the morals of the people.

It is pretended by some, that a sovereignty in a single assembly, annually elected, is the only one in which there is any responsibility for the exercise of power. In the mixed government we contend for, the ministers, at least of the executive power, are responsible for every instance of the exercise of it; and if they dispose of a single commission by corruption, they are responsible to a house of representatives, who may, by impeachment, make them responsible before a senate, where they may be accused, tried, condemned, and punished by independent judges. But in a single sovereign assembly, each member, at the end of his year, is only responsible to his constituents; and the majority of members who have been of one party, and carried all before them, are to be responsible only to their constituents, not to the constituents of the minority who have been overborne, injured, and plundered. And who are these constituents to whom the majority are accountable? Those very persons, to gratify whom they have prostituted the honors, rewards, wealth, and justice of the state. These, instead of punishing, will applaud; instead of discarding, will reëlect, with still greater eclat, and a more numerous majority; for the losing cause will be deserted by numbers. And this will be done in hopes of having still more injustice done, still more honors and profits divided

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among themselves, to the exclusion and mortification of the minority. It is then astonishing that such a simple government should be preferred to a mixed one, by any rational creature, on the score of responsibility.

There is, in short, no possible way of defending the minority, in such a government, from the tyranny of the majority, but by giving the former a negative on the latter, — the most absurd institution that ever took place among men. As the major may bear all possible relations of proportion to the minor part, it may be fifty-one against forty-nine in an assembly of a hundred, or it may be ninety-nine against one only. It becomes therefore necessary to give the negative to the minority, in all cases, though it be ever so small. Every member must possess it, or he can never be secure that himself and his constituents shall not be sacrificed by all the rest. This is the true ground and original of the *liberum veto* in Poland; but the consequence has been ruin to that noble but ill-constituted republic. One fool, or one knave, one member of the diet, which is a single sovereign assembly, bribed by an intriguing ambassador of some foreign power, has prevented measures the most essential to the defence, safety, and existence of the nation. Hence humiliations and partitions! This also is the reason on which is founded the law of the United Netherlands, that all the seven provinces must be unanimous in the assembly of the states-general; and all the cities and other voting bodies in the assemblies of the separate states. Having no sufficient checks in their uncouth constitution, nor any mediating power possessed of the whole executive, they have been driven to demand unanimity instead of a balance. And this must be done in every government of a single assembly, or the majority will instantly oppress the minority. But what kind of government would that be in the United States of America, or any one of them, that should require unanimity, or allow of the *liberum veto?* It is sufficient to ask the question, for every man will answer it alike.

No controversy will be maintained with our author, that "a free state is more excellent than simple monarchy or simple aristocracy." But the question is, What is a free state? It is plain our author means a single assembly of representatives of the people, periodically elected, and vested with the supreme power. This is denied to be a free state. It is at first a government of

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grandees, and will soon degenerate into a government of a junto or oligarchy of a few of the most eminent of them, or into an absolute monarchy of one of them. The government of these grandees, while they are numerous, as well as when they become few, will be so oppressive to the people, that the people, from hatred or fear of the gentlemen, will set up one of them to rule the rest, and make him absolute.

Will it be asked how this can be proved? It is proved, as has been often already said, by the constitution of human nature, by the experience of the world, and the concurrent testimony of all history. The passions and desires of the majority of the representatives in an assembly being in their nature insatiable and unlimited by any thing within their own breasts, and having nothing to control them without, will crave more and more indulgence, and, as they have the power, they will have the gratification; and Nedham's government will have no security for continuing free, but the presumption of self-denial and self-government in the members of the assembly, virtues and qualities that never existed in great bodies of men, by the acknowledgment of all the greatest judges of human nature, as well as by his own, when he says that "temptations of honor and profit are sails too big for any human bulk." It would be as reasonable to say, that all government is altogether unnecessary, because it is the duty of all men to deny themselves, and obey the laws of nature and the laws of God. However clear the duty, we know it will not be performed; and, therefore, it is our duty to enter into associations, and compel one another to do some of it.

It is agreed that the people are the best keepers of their own liberties, and the only keepers who can be always trusted; and, therefore, the people's fair, full, and honest consent, to every law, by their representatives, must be made an essential part of the constitution; but it is denied that they are the best keepers, or any keepers at all, of their own liberties, when they hold collectively, or by representation, the executive and judicial power, or the whole and uncontrolled legislative; on the contrary, the experience of all ages has proved, that they instantly give away their liberties into the hand of grandees, or kings, idols of their own creation. The management of the executive and judicial powers together always corrupts them, and throws the whole power into the hands of the most profligate and abandoned among them-

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selves. The honest men are generally nearly equally divided in sentiment, and, therefore, the vicious and unprincipled, by joining one party, carry the majority; and the vicious and unprincipled always follow the most profligate leader, him who bribes the highest, and sets all decency and shame at defiance. It becomes more profitable, and reputable too, except with a very few, to be a party man than a public-spirited one.

It is agreed that "the end of all government is the good and ease of the people, in a secure enjoyment of their rights, without oppression;" but it must be remembered, that the rich are *people* as well as the poor; that they have rights as well as others; that they have as clear and as *sacred* a right to their large property as others have to theirs which is smaller; that oppression to them is as possible and as wicked as to others; that stealing, robbing, cheating, are the same crimes and sins, whether committed against them or others. The rich, therefore, ought to have an effectual barrier in the constitution against being robbed, plundered, and murdered, as well as the poor; and this can never be without an independent senate. The poor should have a bulwark against the same dangers and oppressions; and this can never be without a house of representatives of the people. But neither the rich nor the poor can be defended by their respective guardians in the constitution, without an executive power, vested with a negative, equal to either, to hold the balance even between them, and decide when they cannot agree. If it is asked, When will this negative be used? it may be answered, Perhaps never. The known existence of it will prevent all occasion to exercise it; but if it has not a being, the want of it will be felt every day. If it has not been used in England for a long time past, it by no means follows that there have not been occasions when it might have been employed with propriety. But one thing is very certain, that there have been many occasions since the Revolution, when the constitution would have been overturned if the negative had not been an indubitable prerogative of the crown.

It is agreed that the people are "most sensible of their own burdens; and being once put into a capacity and freedom of acting, are the most likely to provide remedies for their own relief." For this reason they are an essential branch of the legislature, and have a negative on all laws, an absolute control over every grant of money, and an unlimited right to accuse their enemies before

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an impartial tribunal. Thus far they are most sensible of their burdens, and are most likely to provide remedies. But it is affirmed that they are not only incapable of managing the executive power, but would be instantly corrupted by it in such numbers, as would destroy the integrity of all elections. It is denied that the legislative power can be wholly intrusted in their hands with a moment's safety. The poor and the vicious would instantly rob the rich and virtuous, spend their plunder in debauchery, or confer it upon some idol, who would become the despot; or, to speak more intelligibly, if not more accurately, some of the rich, by debauching the vicious to their corrupt interest, would plunder the virtuous, and become more rich, until they acquired all the property, or a balance of property and of power, in their own hands, and domineered as despots in an oligarchy.

It is agreed that the "people know where the shoe wrings, what grievances are most heavy," and, therefore, they should always hold an independent and essential part in the legislature, and be always able to prevent the shoe from wringing more, and the grievances from being made more heavy; they should have a full hearing of all their arguments, and a full share of all consultations, for easing the foot where it is in pain, and for lessening the weight of grievances or annihilating them. But it is denied that they have right, or that they should have power to take from one man his property to make another easy, and that they *only* know "what fences they stand in need of to shelter them from the injurious assaults of those powers that are above them;" meaning, by the powers above them, senators and magistrates, though, properly speaking, there are no powers above them but the law, which is above all men, governors and senators, kings, and nobles, as well as commons.

The Americans have agreed with this writer in the sentiment, that "it is but reason that the people should see that none be interested in the supreme authority but persons of their own election, and such as must, in a short time, return again into the same condition with themselves." This hazardous experiment they have tried, and, if elections are soberly made, it may answer very well; but if parties, factions, drunkenness, bribes, armies, and delirium come in, as they always have done sooner or later, to embroil and decide every thing, the people must again have recourse to conventions and find a remedy. Neither philosophy

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nor policy has yet discovered any other cure, than by prolonging the duration of the first magistrate and senators. The evil may be lessened and postponed, by elections for longer periods of years, till they become for life; and if this is not found an adequate remedy, there will remain no other but to make them hereditary. The delicacy or the dread of unpopularity that should induce any man to conceal this important truth from the full view and contemplation of the people, would be a weakness, if not a vice. As to "reaping the same benefit or burden, by the laws enacted, that befalls the rest of the people," this will be secured, whether the first magistrate and senate be elective or hereditary, so long as the people are an integral branch of the legislature, can be bound by no laws to which they have not consented, and can be subjected to no tax which they have not agreed to lay. It is agreed that the "issue of such a constitution," whether the governor and senate be hereditary or elective, must be this, "that no load be laid upon any, but what is common to all, and that always by common consent; not to serve the lusts of any, but only to supply the necessities of their country."

The next paragraph is a figurative flourish, calculated to amuse a populace without informing their understandings. Poetry and mystics will answer no good end in discussing questions of this nature. The simplest style, the most mathematical precision of words and ideas, is best adapted to discover truth, and to convey it to others, in reasoning on this subject. There is here a confusion that is more than accidental — it is artful. The author purposely states the question, and makes the comparison only between simple forms of government, and carefully keeps out of sight the idea of a judicious mixture of them all. He seems to suppose, that the supreme power must be wholly in the hands of a simple monarch, or of a single senate, or of the people, and studiously avoids considering the sovereignty lodged in a composition of all three. "When a supreme power long continues in the hands of any person or persons, they, by greatness of place, being seated above the middle region of the people, sit secure from all winds and weathers, and from those storms of violence that nip and terrify the inferior part of the world." If this is popular poetry, it is not philosophical reasoning. It may be made a question, whether it is true in fact, that persons in the

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higher ranks of life are more exempted from dangers and evils that threaten the commonwealth than those in the middle or lower rank? But if it were true, the United States of America have established their governments upon a principle to guard against it; and, "by a successive revolution of authority, they come to be degraded of their earthly godheads, and return into the same condition with other mortals;" and, therefore, "they must needs be the more sensible and tender of what is laid upon them."

Our author is not explicit. If he meant that a fundamental law should be made, that no man should be chosen more than one year, he has nowhere said so. He knew the nation would not have borne it. Cromwell and his creatures would all have detested it; nor would the members of the Long Parliament, or their constituents, have approved it. The idea would have been universally unpopular. No people in the world will bear to be deprived, at the end of one year, of the service of their best men, and be obliged to confer their suffrages, from year to year, on the next best, until the rotation brings them to the worst. The men of greatest interest and influence, moreover, will govern; and if they cannot be chosen themselves, they will generally influence the choice of others so decidedly, that they may be said to have the appointment. If it is true that "the strongest obligation that can be laid upon a man in public matters, is to see that he engage in nothing but what must either offensively or beneficially reflect upon himself," it is equally true at least in a mixed government as in a simple democracy. It is, indeed, more clearly and universally true, because in the first the representatives of the people being the special guardians of equality, equity, and liberty, for the people, will not consent to unequal laws; but in the second, where the great and rich will have the greatest influence in the public councils, they will continually make unequal laws in their own favor, unless the poorer majority unite, which they rarely do, set up an opposition to them, and run them down by making unequal laws against them. In every society where property exists, there will ever be a struggle between rich and poor. Mixed in one assembly, equal laws can never be expected. They will either be made by numbers, to plunder the few who are rich, or by influence, to fleece the many who are poor. Both rich and poor, then, must be made independent, that equal jus-

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tice may be done, and equal liberty enjoyed by all. To expect that in a single sovereign assembly no load shall be laid upon any but what is common to all, nor to gratify the passions of any, but only to supply the necessities of their country, is altogether chimerical. Such an assembly, under an awkward, unwieldy form, becomes at once a simple monarchy in effect. Some one overgrown genius, fortune, or reputation, becomes a despot, who rules the state at his pleasure, while the deluded nation, or rather a deluded majority, thinks itself free; and in every resolve, law, and act of government, you see the interest, fame, and power of that single individual attended to more than the general good.

It is agreed, that "if any be never so good a patriot," (whether his power be prolonged or not,) "he will find it hard to keep self from creeping in upon him, and prompting him to some extravagances for his own private benefit." But it is asserted, that power will be prolonged in the hands of the same patriot, the same rich, able, powerful, and well-descended citizen, &c. as much as if he had a seat for life, or a hereditary seat in a senate, and, what is more destructive, his power and influence is constantly increasing, so that self is more certainly and rapidly growing upon him; whereas, in the other case, it is defined, limited, and never materially varies. If, in the first case, "he be shortly to return to a condition common with the rest of his brethren," it is only for a moment, or a day, or a week, in order to be reëlected with fresh eclat, redoubled popularity, increased reputation, influence, and power. Self-interest, therefore, binds him to propagate a false report and opinion, that he "does nothing but what is just and equal," while, in fact, he is every day doing what is unjust and unequal; while he is applying all the offices of the state, great and small, the revenues of the public, and even the judicial power, to the augmentation of his own wealth and honors, and those of his friends, and to the punishment, depression, and destruction of his enemies, with the acclamations and hosannas of the majority of the people.

"This, without controversy, must needs be the most noble, the most just, and the most excellent way of government in free states," provided our author meant only a mixed state, in which the people have an essential share, and the command of the public purse, with the judgment of causes and accusations as

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jurors, while their power is tempered and controlled by the aristocratical part of the community in another house, and the executive in a distinct branch. But as it is plain his meaning was to jumble all these powers in one centre, a single assembly of representatives, it must be pronounced the most ignoble, unjust, and detestable form of government; worse than even a well-digested simple monarchy or aristocracy. The greatest excellency of it is, that it cannot last, but hastens rapidly to a revolution.

For a further illustration of this subject, let a supposition be made, that in the year 1656, when this book was printed, the system of it had been reduced to practice. A fair, full, and just representation of the people of England appears in the house of commons in Westminster Hall, — My Lord-General Cromwell is returned for Westminster or London; Ireton, Lambert, &c., for other principal cities or counties; Monk, Sir Harry Vane, &c., for others; and even Hugh Peters for some borough; — all eyes profoundly bow to my Lord-General as the first member of the house; the other principal characters are but his primary planets, and the multitude but secondary; altogether making a great majority in the interest of his Highness. If the majority is clear, and able to excite a strong current of popular rumors, ardor, and enthusiasm in their favor, their power will increase with every annual election, until Cromwell governs the nation more absolutely than any simple monarch in Europe. If there are in the house any members so daring as to differ in opinion, they will lose their seats, and more submissive characters be returned in their places; but if the great men in the house should fall into pretty equal divisions, then would begin a warfare of envy, rancor, hatred, and abuse of each other, until they divided the nation into two parties, and both must take the field.

Suppose, for a further illustration, the monarchical and aristocratical branches in England suspended, and all authority lodged in the present house of commons; — suppose that, in addition to all the great national questions of legislation, were added the promotion of all offices in the church, the law, the army, navy, excise, customs, and all questions of foreign alliance; let all the foreign ambassadors, as well as candidates for offices, solicit there. The contemplation must be amusing! but there is not a member of the house could seriously wish it, after thinking a

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moment on the consequence. The objects are smaller, and the present temptations less, in our American houses; but the impropriety would be equally obvious, though, perhaps, not so instantaneously destructive.

Our author proceeds to prove his doctrine by examples out of Roman history. "What more noble patriots were there ever in the world than the Roman senators were, whilst they were kept under by their kings, and felt the same burdens of their fury as did the rest of the people?"

If by the patriots are meant men who were brave and active in war to defend the commonwealth against its enemies, the Roman senators and patricians were, under the kings, as good patriots as the plebeians were, and no better. Whether they were ever kept under by their kings, or whether their kings were kept under by them, I submit to Livy and Dionysius. The whole line of their kings, Romulus, Numa, Tullus, Ancus, Lucius Tarquinius, Servius Tullius, were meritorious princes; yet the patricians and senators maintained a continual series of cabals against them, constantly conspiring to set up one and pull down another. Romulus was put to death by the patricians; Tullus Hostilius was murdered by the patricians; Lucius Tarquinius was assassinated by the patricians; and Servius Tullius too was murdered by the patricians, to make way for Tarquin. Some of these excellent princes were destroyed for being too friendly to the people, and others for not being servile enough to the senate. If it is patriotism to persecute to death every prince who had an equitable desire of doing justice and easing the burdens of the plebeians; to intrigue in continual factions to set up one king and butcher another; to consider friendship and humanity and equity to the plebeians as treason against the state, and the highest crime that could be committed either by a king or patrician; then the Roman senators under the kings were noble patriots. But the utmost degrees of jealousy, envy, arrogance, ambition, rancor, rage, and cruelty, that ever constituted the aristocratical or oligarchical character in Sparta, Venice, Poland, or wherever unbalanced aristocratics have existed and been most enormous, existed in the Roman patricians under their kings.

What can our author mean by the senate and people's "feeling the burdens of the fury of their kings?" Surely he had read the Roman history! Did he mean to represent it? The whole

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line of Roman kings, until we come to Tarquin the Proud, were mild, moderate princes, and their greatest fault, in the eyes of the senators, was an endeavor now and then to protect the people against the tyranny of the senate. Their greatest fault, in the judgment of truth, was too much complaisance to the senate, by making the constitution more aristocratical. Witness the assemblies by centuries instituted by Servius Tullius.

But Nedham should have considered what would have been the fruits in Rome, from the time of Romulus, of annual elections of senators to be vested with supreme power, with all the authority of the king, senate, and people. All those persons whose names we now read as kings, and all those who are mentioned as senators, would have caballed with the people as well as one another. Their passions would not have been extinguished; the same jealousy and envy, ambition and avarice, revenge and cruelty, would have been displayed in assemblies of the people. Sometimes one junto would have been popular, sometimes another; one set of principles would have prevailed one year, and another the next; now one law, then another; at this time one rule of property, at that another; riots, tumults, and battles, would have been fought continually; the law would have been a perfect Proteus. But as this confusion could not last long, either a simple monarchy or an aristocracy must have arisen; these might not have lasted long, and all the revolutions described by Plato and Aristotle as growing out of one another, and that we see in the Greek, Roman, and Italian republics, did grow out of one another, must have taken place, until the people, weary of changes, would have settled under a single tyranny and standing army, unless they had been wise enough to establish a well-ordered government of three branches.

It is easy to misrepresent and confound things, in order to make them answer a purpose, but it was not because the authority was *permanent*, or *standing*, or *hereditary*, that the behavior of the senate was worse after the expulsion of the kings than it had been under them; for the dignity of patricians and the authority of senators was equally *standing*, *permanent*, and *hereditary*, under the kings, from the institution of Romulus to the expulsion of Tarquin, as it was afterwards, from the expulsion of Tarquin to the institution of tribunes, and indeed to the subversion of the commonwealth. It was not its *permanency*, but its *omnipotence*,

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its being *unlimited, unbalanced, uncontrolled,* that occasioned the abuse; and this is precisely what we contend for, that power is always abused when unlimited and unbalanced, whether it be permanent or temporary, a distinction that makes little difference in effect. The temporary has often been the worst of the two, because it has often been sooner abused, and more grossly, in order to obtain its revival at the stated period. It is agreed that patricians, nobles, senators, the aristocratical part of the community, call it by what name you please, are noble patriots when they are kept under; they are really then the best men and the best citizens. But there is no possibility of keeping them under but by giving them a master in a monarchy, and two masters in a free government. One of the masters I mean is the executive power in the first magistrate, and the other is the people in their house of representatives. Under these two masters they are, in general, the best men, citizens, magistrates, generals, or other officers; they are the guardians, ornaments, and glory of the community.

Nedham talks of "senate and people's feeling the burdens of the fury of the kings." But as we cannot accuse this writer of ignorance, this must have been either artifice or inadvertence. There is not in the whole Roman history so happy a period as this under their kings. The whole line were excellent characters, and fathers of their people, notwithstanding the continual cabals of the nobles against them. The nation was formed, their morality, their religion, the maxims of their government, were all established under these kings. The nation was defended against innumerable and warlike nations of enemies; in short, Rome was never so well governed or so happy. As soon as the monarchy was abolished, and an ambitious republic of haughty, aspiring aristocratics was erected, they were seized with the ambition of conquest, and became a torment to themselves and the world. Our author confesses, that "being freed from the kingly yoke, and having secured all power within the hands of themselves and their posterity, they fell into the same absurdities that had been before committed by their kings, so that this new yoke became more intolerable than the former." It would be more conformable to the truth of history to say, that they continued to behave exactly as they had done; but having no kings to murder, they had only people to destroy. The sovereign power

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was in them under the kings, and the cause of their greatest animosity against their kings, next to the ambitious desire of getting into their places, was their too frequent patronage of the people. The only change made by the revolution was to take off a little awe which the name of king inspired. The office, with all its dignities, authorities, and powers, was in fact continued under the title of consul; it was made annually elective it is true, and became accordingly a mere tool of the senate, wholly destitute of any power or will to protect plebeians, a disposition which the hereditary kings always discovered more or less, and thereby became odious to the senate; for there is no sin or crime so heinous, in the judgment of patricians, as for any one of their own rank to court plebeians, or become their patron, protector or friend.

It is very true that "the new yoke was more intolerable than the old, nor could the people find any remedy until they procured that necessary office of the tribunes." This was some remedy, but a very feeble and ineffectual one. Nor, if the people had instituted an annual assembly of five hundred representatives, would that have been an effectual remedy, without a plenary executive power in the consul; the senate and assembly would have been soon at war, and the leader of the victorious army master of the state. If "the tribunes, by being invested with a temporary authority by the people's election, remained the more sensible of their condition," the American governors and senators, vested as they are with a temporary authority by the people's election, will remain sensible of their condition too. If they do not become too sensible of it, and discover that flattery and bribery and partiality are better calculated to procure renovations of their authority, than honesty, liberty, and equality, happy indeed shall we all be!

"What more excellent patriot could there be than Manlius, till he became corrupted by time and power?" Is it a clear case that Manlius was corrupted? To me he appears the best patriot in Roman history; the most humane, the most equitable; the greatest friend of liberty, and the most desirous of a constitution truly free; the real friend of the people, and the enemy of tyranny in every shape, as well as the greatest hero and warrior of his age; a much greater character than Camillus. Our author's expression implies, that there was no greater patriot,

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until he saw the necessity of new-modelling the constitution, and was concerting measures upon the true principle of liberty, the authority of the people, to place checks upon the senate. But Manlius is an unfortunate instance for our author. It was not time and power that inspired him with his designs; the jealousy and envy of the senate had removed him from power. He was neither consul, dictator, nor general. Aristocratical envy had set up Camillus, and continued him in power, both as consul and dictator, on purpose to rival and mortify Manlius. It was discontinuance of power, then, that corrupted him, if he was corrupted; and this generally happens; disappointed candidates for popular elections are as often corrupted by their fall from power, as hereditary aristocratics by their continuance in it.

"Who more noble, courteous, and well affected to the common good, than was Appius Claudius, at first? But, afterwards, having obtained a continuation of the government in his own hands, he soon lost his primitive innocency and integrity, and devoted himself to all the practices of an absolute tyrant." This is very true; but it was not barely continuation of power, it was absolute power that did the mischief. If the power had been properly limited in degree, it might have been continued without limitation of time, without corrupting him; though it might be better to limit it both in degree and in time; and it must never be forgotten, that it was the people, not the senate, that continued him in power.

The senate acted an arbitrary and reprehensible part, when they thought to continue Lucius Quinctius in the consulship longer than the time limited by law. By violating the law, they became tyrants, and their act was void. That gallant man acted only the part of a good citizen, in refusing to set a precedent so prejudicial to the Roman constitution. His magnanimity merits praise; but, perhaps, he was the only senator who would have refused, and we cannot safely reckon upon such self-denial in forming any constitution of government. But it may be depended on, that, when the whole power is in one assembly, whether of patricians or plebeians, or any mixture of both, a favorite will be continued in power whenever the majority wishes it, and every conceivable fundamental law, or even oath, against it will be dispensed with.

"A seventh reason, why a people qualified with a due and

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orderly succession of their supreme assemblies are the best keepers of their own liberties, is, because, as in other forms, those persons only have access to government who are apt to serve the lust and will of the prince, or else are parties or compliers with some popular faction; so, in this form of government by the people, the door of dignity stands open to all (without exception) that ascend thither by the steps of worth and virtue; the consideration whereof hath this noble effect in free states, that it edges men's spirits with an active emulation, and raiseth them to a lofty pitch of design and action."

This is a mass of popular assertions, either hazarded at random, or, if aimed at a point, very little guarded by the love of truth. It is no more true that, in other forms, those persons *only* have access to government who are apt to serve the lust and will of a prince or a faction, than it is that, in our author's form, those only would obtain elections who will serve the lusts and wills of the most idle, vicious, and abandoned of the people, at the expense of the labor, wealth, and reputation of the most industrious, virtuous, and pious. The door of dignity in such a government is so far from standing open to all of worth and virtue, that, if the executive and judicial powers are managed in it, virtue and worth will soon be excluded. In an absolute monarchy, the road to preferment may lie open to all. In an aristocracy, the way of promotion may be open to all; and all offices in the executive department, as in the army, navy, courts of justice, foreign embassies, revenues, &c. may be filled from any class of the people. In a mixed government, consisting of three branches, all offices ever will be open; for, when the popular branch is destined expressly to defend the rights of the people, it is not probable they will ever consent to a law that shall exclude any class of their constituents. In this kind of government, indeed, the chance for merit to prevail is greater than in any other. The executive having the appointment to all offices, and the ministers of that executive being responsible for every exercise of their power, they are more cautious; they are responsible to their master for the recommendation they give, and to the nation and its representatives for the appointments that are made. Whereas, a single representative assembly is accountable to nobody. If it is admitted that each member is accountable to his constituents for the vote he gives, what is the penalty?

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No other than not to vote for him at the next election. And what punishment is that? His constituents know or care nothing about any offices or officers, but such as lie within the limits of their parish; and let him vote right or wrong about all others, he has equally their thanks and future votes. What can the people of the cities, countries, boroughs, and corporations, in England, know of the characters of all the generals, admirals, ambassadors, judges, and bishops, whom they never saw, nor perhaps heard of?

But was there never a Sully, Colbert, Malesherbes, Turgot, or Necker called to power in France? nor a Burleigh nor a Pitt, in England? Was there never a Camillus appointed by a senate? nor a De Ruyter, Van Tromp, or De Witt, by an aristocratical body? When a writer is not careful to confine himself to truth, but allows himself a latitude of affirmation and denial, merely addressed to an ignorant populace, there is no end of ingenuity in invention. In this case, his object was to run down an exiled king and a depressed nobility; and it must be confessed he is not very delicate in his means. There are, in truth, examples innumerable of excellent generals, admirals, judges, ambassadors, bishops, and of all other officers and magistrates, appointed by monarchs, absolute as well as limited, and by hereditary senates. Excellent appointments have been also made by popular assemblies; but candor must allow, that very weak, injudicious, and unfortunate choices have been sometimes made by such assemblies too. But the best appointments for a course of time have invariably been made in mixed governments. The "active emulation" in free states is readily allowed; but it is not less active, less general, or less lofty, in design or action, in mixed governments than in simple ones, even simple democracies, or those which approach nearest to that description; and the instances alleged from the Roman history are full proofs of this.

"During the vassalage of the Romans under kings, we read not of any notable exploits, but find them confined within a narrow compass, oppressed at home, and ever and anon ready to be swallowed up by their enemies." It is really impossible to guess where this author learnt his history. The reigns of the kings are a complete confutation of his assertions. The vassalage was to the nobles, if to anybody, under the kings. The

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kings were friends and fathers of the people in general. If the people were oppressed at home, it was by the patricians; but they appear to have been much less oppressed than they were under the aristocracy which succeeded the abolition of monarchy, as our author himself confesses.

"But when the state was made free indeed, and the people admitted into a share and interest in the government, as well as the great ones, then it was that their power began to exceed the bounds of Italy, and aspire towards that prodigious empire." Was Rome ever a free state, according to our author's idea of a free state? Were the people ever governed by a succession of sovereign power in their assemblies? Was not the senate the real sovereign, through all the changes, from Romulus to Julius Cæsar? When the tribunes were instituted, the people obtained a check upon the senate, but not a balance. The utmost that can with truth be said is, that it was a mixed government, composed of three powers; the monarchical in the kings or consuls, the aristocratical in the senate, and the democratical in the people and their tribunes, with the principal share and real sovereignty in the senate. The mixture was unequal, and the balance inadequate; but it was this mixture, with all its imperfections, that "edged men's spirits with an active emulation, and raised them to a lofty pitch of design and action." It was in consequence of this composition, that "their thoughts and power began to exceed the bounds of Italy, and aspire towards that prodigious empire." In such a mixture, where the people have a share, and "the road to preferment lies plain to every man, no public work is done, nor any conquest made, but every man thinks he does and conquers for himself," in some degree. But this sentiment is as vivid and active, surely, where the people have an equal share with the senate, as where they have only an imperfect check by their tribunes.

When our author advances, "that it was not alliance, nor friendship, nor faction, nor riches, that could advance men," he affirms more than can be proved from any period of the Roman or any other history. If he had contented himself with saying, that these were not exclusive or principal causes of advancement, it would have been as great a panegyric as any nation at any period has deserved. Knowledge, valor, and virtue, were *often* preferred above them all; and, if we add, *generally*, it is as

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much as the truth will bear. Our author talks of a preference of virtuous poverty; but there was no moment in the Roman, or any other history, when poverty, however virtuous, was preferred for its own sake. There have been times and countries, when poverty was not an insuperable objection to the employment of a man in the highest stations; but an absolute love of poverty, and a preference of a man for that attribute alone, never existed out of the imaginations of enthusiastic writers.

In the Roman story, some few of their brave patriots and conquerors were men of small fortune, and of so rare a temper of spirit, that they little cared to improve them, or enrich themselves by their public employment. Some, indeed, were buried at the public charge. And perhaps this race is not quite extinct; but the examples are so rare, that he who shall build his frame of government upon a presumption that characters of this stamp will arise in succession, in sufficient numbers to preserve the honor and liberty, and promote the prosperity of his people, will find himself mistaken. "The time will come," said a Roman senator, "when Horatii and Valerii will not be found to forego their private fortunes for the sake of plebeian liberty." His prediction was fulfilled; and a similar prophecy will be accomplished in every nation under heaven. The instances, too, of this kind in the Roman history, are all of patricians and senators. We do not find one example of a popular tribune who was so in love with poverty. Cincinnatus was a patrician, a senator of a splendid family and no mean fortune, until his son Cæso was prosecuted, and obliged to fly from his bail. The father had too noble and sublime a spirit to let the bail be ruined, and sold his fortune to pay the forfeiture. When this was done, he had only four or six acres left. But who was it that made him dictator? Not the people, nor the tribunes, but the senate, that very standing power against which our author's whole book is written; by no means by a successive sovereignty of the people's representatives, which our author all along contends for. Had the appointment of a dictator at that time lain with the people, most probably a richer man would have had the preference. He behaved with so much magnanimity, integrity, and wisdom, that he subdued the enemy, and quitted his authority with all willingness, and returned to painful private life. This example is a good argument for a mixed government, and for a senate as an

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essential part of it; but no argument for a successive sovereignty in the people's representatives. Gracchus, Marius, Sylla, and Cæsar, whose elevation to power was by the people, in opposition to the senate, did not exhibit such moderation and contentment.

Our author's other examples of Lucius Tarquin, and Atilius Regulus, by no means prove such disinterested and magnanimous virtue to be ordinary in that state, nor does Lucius Paulus Æmilius. Lucius Tarquin, or Lucius Tarquinius Collatinus, was not only a patrician and a senator, but of the royal family, and therefore by no means an example to show what the conduct of a general, or other officer or magistrate, will be, who shall be appointed by a majority of the people's successive annual representatives. He was the husband of Lucretia, whose blood had expelled the king. It was in an assembly of the centuries, where the senate were all powerful, that he was appointed consul with Brutus. Valerius was the favorite of the plebeians. Collatia had been given by the king to Ancus Tarquin, because he had no estate; and from thence the family were called Collatini. At the siege of Ardea the frolic commenced between Collatinus and the other young Tarquins, over wine, which ended in the visit to their wives, which proved at first so honorable to the domestic virtues of Lucretia, and afterwards so fatal to her life; it occasioned, also, the expulsion of kings, and institution of consuls. Brutus and Collatinus were created consuls, but by whom? By the people, it is true, but it was in their assembly by centuries; so that it was the senate and patricians who decided the vote. If the people in their tribes, or by their successive representatives, had made the election, Collatinus would not have been chosen, but Valerius, who expected it, and had most contributed, next to Brutus, to the revolution.

And, by the way, we may observe here, that an aversion to public honors and offices by no means appears in the behavior of the virtuous and popular Valerius. His desire of the office of consul was so ardent, that his disappointment and chagrin induced him in a sullen ill-humor, to withdraw from the senate and the forum, and renounce public affairs; which so alarmed the people, that they dreaded his reconciliation and coalition with the exiled family. He soon removed this jealousy, by taking the oath by which Brutus wanted to bind the senate against

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kings and kingly government. All the art of the patricians, with Brutus at their head, was now exerted, to intoxicate the people with superstition. Sacrifices and ceremonies were introduced, and the consuls approaching the altar, swore, for themselves, their children, and all posterity, never to recall Tarquin or his sons, or any of his family; that the Romans should never more be governed by kings; that those who should attempt to restore monarchy should be devoted to the infernal gods, and condemned to the most cruel torments; and an abhorrence of royalty became the predominant character of the Romans, to such a degree, that they could never bear the *name* of king, even when, under the emperors, they admitted much more than the *thing*, in an unlimited despotism. But is the cause of liberty, are the rights of mankind, to stand for ever on no better a foundation than a blind superstition, and a popular prejudice against a word, a mere name? It was really no more in this case; for even Brutus himself intended that the consuls should have all the power of the kings; and it was only against a family and a name that he declared war. If nations and peoples cannot be brought to a more rational way of thinking, and to judge of things, instead of being intoxicated with prejudice and superstition against words, it cannot be expected that truth, virtue, or liberty, will have much chance in the establishment of governments. The monarchical and aristocratical portions of society will for ever understand better how to operate upon the superstition, the prejudices, passions, fancies, and senses of the people, than the democratical, and therefore, will forever worm out liberty, if she has no other resource.

Tarquin, by his ambassadors, solicited at least the restoration of his property. Brutus opposed it. Collatinus, the other consul, advocated the demand of his royal banished cousin. The senate was divided. The question was referred to the people assembled by centuries. The two consuls zealously supported their different opinions. Collatinus prevailed by one vote. Tarquin's ambassadors rejoice and intrigue. A conspiracy was formed, in which a great part of the young nobility was concerned. Two of the Vitellii, sons of Collatinus's sister, and brothers of Brutus's wife; two of the Aquilii, sons of another sister of Collatinus, as well as two of Brutus's sons, were engaged in it. When the conspiracy was discovered, Brutus alone

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was inexorable. Collatinus endeavored to save his nephews. Collatinus, as the husband of Lucretia, appears to have been actuated by resentment against the person of Tarquin, but not to have been very hearty in the expulsion of the family, or the abolition of monarchy. His warmly contending for the restitution of Tarquin's effects, and his aversion to the condemnation of the conspirators, completed his ruin with Brutus. He assembled the people, and was very sorry that the Roman people did not think their liberties safe while they saw the name and blood of Tarquin not only safe in Rome, but vested with sovereign power, and a dangerous obstacle to liberty. Collatinus was amazed at such a speech, and prepared to defend himself from this attack; but finding his father-in-law, Spurius Lucretius, join Brutus, and other principal men, in persuading him, and fearing that he should be forced into banishment, with the confiscation of his estate, he abdicated the consulship, and retired to Lavinium; but he carried all his effects with him, and twenty talents, or £3,875 sterling, to which Brutus added five talents more, a most enormous sum, if we consider the universal poverty of that age, and the high value of money. Is it possible to find, in this character and conduct of Collatinus, such disinterested and magnanimous virtue as our author speaks of? Is this an example to prove that disinterested virtue was frequent in that state? He must have been dead to every manly feeling, if he had not resented the rape and death of his wife. He did not retire but to avoid banishment; nor was he contented without his whole estate, and a splendid addition to it; so that there is scarcely a character or anecdote in history less to our author's purpose in any point of view.

There is an extravagance in many popular writers in favor of republican governments, which injures much oftener than it serves the cause of liberty. Such is that of our author, when he cites the example of Regulus. Let us first remember, however, that Regulus was a patrician and a senator, and that he was appointed to his command, and continued in it, by the senate; and therefore, instead of being an example in honor of a simple or a representative democracy, it operates in favor of an aristocracy, or at most, in favor of a mixed government, in which an aristocracy has one full third part. Regulus had been in a course of victory, which the senate would not interrupt, and

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therefore continued him in the command of the army. He wrote to the senate to complain of it. The glory of it to himself, the advantage to the public, was not reward enough for him. He demanded a successor; and what was his reason? A thief had stolen his tools of husbandry, used in manuring; his tenant was dead, and his presence was absolutely necessary to prevent his wife and children from starving. Is it possible to read this without laughter and indignation; laughter at the folly of that government which made so poor a provision for its generals, and indignation at the sordid avarice of that senate and people, who could require a threat of resignation from the conqueror of Carthage to induce them to provide for his wife and children? The senate decreed that his field should be cultivated at the public expense, that his working tools should be replaced, and his wife and children provided for. Then, indeed, Regulus's aversion to the service was removed; to such sordid condescensions to the prejudices and the meanness of the stingy and envious parts of the community are such exalted souls, as that of Regulus, obliged sometimes to submit; but the eternal panegyrics of republican writers, as they call themselves, will never reconcile mankind to any thing so ridiculous and contemptible. The laborer is worthy of his hire. He who labors for the public should live by the public, as much as he who preaches the gospel should live by the gospel; and these maxims of equity are approved by all the generous part of mankind. And the people whose heads are turned with contracted notions of a contrary nature, will forever be the dupes of the designing; for where you will find a single Regulus, you will find ten thousand Cæsars.

The example of Paulus Æmilius is equally hostile to our author's system, and equally friendly to that which we contend for. The first consul of that name, the conqueror of Illyricum, in 533, although he returned to Rome in triumph, yet, at the expiration of his office, he was cited before the people in their tribes, and accused of having converted part of the spoils to his own use. Æmilius had great difficulty to escape the condemnation which his colleague suffered. This great patrician and consul commanded and was killed at the battle of Cannæ. His son, of the same name, whose sister Æmilia was married to the great Scipio, distinguished himself by avoiding those intrigues, solicitations, caresses, and other artifices, practised by most can-

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didates, even at this time, 562. His pains were employed to make himself esteemed by valor, justice, and ardor in his duty, in which he surpassed all the young men of his age. He carried the ædileship against ten competitors, every one of whom was so distinguished by birth and merit as afterwards to obtain the consulship. By his wife Papiria he had two sons, whom he procured to be adopted into the most illustrious houses in Rome; the eldest, by Fabius Maximus, five times consul and dictator; the younger by a son of Scipio Africanus. His two daughters he married, one to a son of Cato the Censor, and the other to Tubero. In 563 he gained a complete victory over the Lusitanians, in which he killed them eighteen thousand men, and took their camp, with thirteen hundred prisoners. In the offices of ædile, and of augur, he excelled all his contemporaries in the knowledge and practice of his duty; and military discipline he carried to greater perfection than had ever been known; nevertheless, when he stood for any office, even in these virtuous times, there was always an opposition; and he could not obtain the consulship till after he had suffered several repulses. Why? Because his virtue was too severe; not for the senate, but the people; and because he would not flatter and bribe the people. Before the end of the year of his first consulate he fought the Ligurians, and gained a complete victory over them, killing more than fifteen thousand men, and making near three thousand prisoners, and returned to Rome in triumph; yet with all this merit, when he stood candidate, some years after, for the consulate, the people rejected him; upon this he retired to educate his children. He was frugal in every thing of private luxury, but magnificent in expenses of public duty. Grammarians, rhetoricians, philosophers, sculptors, painters, equerries, hunters, were procured for the instruction of his children. While he was thus employed in private life, in 583, fourteen years after his first consulship, the affairs of the republic were ignorantly conducted, and the Macedonians, with Perseus at their head, gained great advantages against them. People were not satisfied with the conduct of the consuls of late years, and began to say, that the Roman name was not supported. The cry was, that the command of armies must no longer be given to faction and favor. The singular merit of Æmilius, his splendid services, the confidence which the troops had in his capacity, and the urgent ne-

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cessity of the times for his wisdom and firmness, turned all eyes upon him. All his relations, and the senators in general, urged him to stand candidate. He had already experienced so much ingratitude, injustice, and caprice, that he shunned the present ardor, and chose to continue in private life. That very people who had so often ill used him, and rejected him, now crowded before his door, and insisted on his going to the forum; and his presence there was universally considered as a sure presage of victory, and he was unanimously elected consul, and appointed commander in Macedonia. He conquered Perseus and his Macedonian phalanx, and in the battle he formed Fabiuses and Scipios to be the glory and triumph of his country after him. He plundered the immense wealth of Macedonia and Epirus; he plundered seventy cities, and demolished their walls. The spoils were sold, and each soldier had two hundred denarii, and each of the horse four. The soldiers and common people, it seems, had little of that disinterestedness for which Æmilius was remarkable. They were so offended at their general for giving so little of the booty to them, and reserving so much to the public treasury, that they raised a great cry and opposition against his triumph; and Galba, the soldiers, and their friends among the plebeians, were determined to teach the great men, the consuls, generals, &c. to be less public-spirited—to defraud the treasury of its wealth, and bestow it upon them; they accordingly opposed the triumph of this great and disinterested general, and the first tribes absolutely rejected it.

Who, upon this occasion, saved the honor, justice, and dignity of the republic? Not the plebeians, but the senators. The senators were highly enraged at this infamous injustice and ingratitude, and this daring effort of popular licentiousness and avarice, and were obliged to make a noise, and excite a tumult. Servilius, too, who had been consul, and had killed three-and-twenty enemies who had challenged him in single combat, made a long speech, in which he showed the baseness of their conduct in so striking a light, that he made the people ashamed of themselves; and at length they consented to the triumph, but to all appearance more from a desire to see the show of Perseus laden with chains, led through the city before the chariot of the victor, than from any honest and public-spirited design to reward merit. The sum which he caused to be carried into the public treasury

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on the day of the triumph was one million three hundred thousand pounds sterling, and caused the taxes of the Roman people to be abolished. At his death, after the sale of part of his slaves, movables, and some farms, to pay his wife's dower, the remainder of his fortune was but nine thousand three hundred and seventy-five pounds sterling. As he was descended from one of the most noble and ancient houses of Rome, illustrious by the highest dignities, the smallness of his fortune reflects honor on his ancestors as well as on himself. The love of simplicity was still supported in some of the great families, by extreme care not to ally themselves with luxurious ones; and Æmilius chose Tubero, of the family of Ælii, whose first piece of plate was a silver cup of five pounds weight, given him by his father-in-law. These few families stemmed the torrent of popular avarice and extravagance.

Let us now consider what would have been the fate of Æmilius, if Rome had been governed at this time by Nedham's succession of the people's representatives, unchecked by a senate. It is plain he must have given into the common practice of flattering, caressing, soothing, bribing, and cajoling the people, or never have been consul, never commanded armies, never triumphed. An example more destructive of our author's system can scarcely be found, and yet he has the inadvertence at least to adduce it in support of his Right Constitution of a Commonwealth. It has been necessary to quote these anecdotes at some length, that we may not be deceived by a specious show, which is destitute of substance, truth, and fact, to support it.

But how come all these examples to be patricians and senators, and not one instance to be found of a plebeian commander who did not make a different use of his power?

There is a strange confusion or perversion in what follows: "Rome never thrived until it was settled in a freedom of the people." Rome never was settled in a freedom of the people; meaning in a free state, according to our author's definition of it, "a succession of the supreme authority in the people's representatives." Such an idea never existed in the Roman commonwealth, not even when or before the people made Cæsar a perpetual dictator. Rome never greatly prospered until the people obtained a small mixture of authority, a slight check upon the

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senate, by their tribunes. This, therefore, is proof in favor of the mixture, and against the system of our author.

"Freedom was preserved, and that interest best advanced, when all places of honor and trust were exposed to men of merit, without distinction."

True, but this never happened till the mixture took place.

"This happiness could never be obtained, until the people were instated in a capacity of preferring whom they thought worthy, by a freedom of electing men successively into their supreme offices and assemblies." What is meant here by supreme offices? There were none in Rome but the dictators, and they were appointed by the senate, at least until Marius annihilated the senate, by making the tribes omnipotent. Consuls could not be called supreme officers in any sense. What is meant by supreme assemblies? There were none but the senate. The Roman people never had the power of electing a representative assembly. "So long as this custom continued, and merit took place, the people made shift to keep and increase their liberties." This custom never took place, and, strictly speaking, the Roman people never enjoyed liberty. The senate was sovereign till the people set up a perpetual dictator.

"When this custom lay neglected, and the stream of preferment began to run along with the favor and pleasure of particular powerful men, then vice and compliance making way for advancement, the people could keep their liberties no longer; but both their liberties and themselves were made the price of every man's ambition and luxury."

But when was this? Precisely when the people began, and in proportion as they approached to, an equality of power with the senate, and to that state of things which our author contends for; so that the whole force of his reasoning and examples, when they come to be analyzed, conclude against him.

The eighth reason, why the people in their assemblies are the best keepers of their liberty, is, "because it is they only that are concerned in the point of liberty." It is agreed that the people in their assemblies, tempered by another coequal assembly and an executive coequal with either, are the best keepers of their liberties. But it is denied that in one assembly, collective or representative, they are the best keepers. It may be reasonably questioned, whether they are not the worst; because they are as

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sure to throw away their liberties, as a monarch or a senate untempered are to take them; with this additional evil, that they throw away their morals at the same time; whereas monarchs and senates sometimes by severity preserve them in some degree. In a simple democracy, the first citizen and the better sort of citizens are part of the people, and are equally "concerned" with any others "in the point of liberty." But is it clear that in other forms of government "the main interest and concernment, both of kings and grandees, lies either in keeping the people in utter ignorance what liberty is, or else in allowing and pleasing them only with the name and shadow of liberty instead of the substance?" It is very true that knowledge is very apt to make people uneasy under an arbitrary and oppressive government. But a simple monarch or a sovereign senate which is not arbitrary and oppressive, though absolute, if such cases can exist, would be interested to promote the knowledge of the nation. It must, however, be admitted, that simple governments will rarely if ever favor the dispersion of knowledge among the middle and lower ranks of people. But this is equally true of simple democracy. The people themselves, if uncontrolled, will never long tolerate a freedom of inquiry, debate, or writing; their idols must not be reflected on, nor their schemes and actions scanned, upon pain of popular vengeance, which is not less terrible than that of despots or sovereign senators.

"In free states, the people being sensible of their past condition in former times under the power of great ones, and comparing it with the possibilities and enjoyments of the present, become immediately instructed that their main interest and concernment consists in liberty; and are taught by common sense, that the only way to secure it from the reach of great ones, is to place it in the people's hands, adorned with all the prerogatives and rights of supremacy." It is very true that the main interest and concernment of the people is liberty. If their liberties are well secured they may be happy if they will; and they generally, perhaps always, are so. The way to secure liberty is to place it in the people's hands, that is, to give them a power at all times to defend it in the legislature and in the courts of justice. But to give the people, uncontrolled, all the prerogatives and rights of supremacy, meaning the whole executive and judicial power, or even the whole undivided legislative, is not the way to pre-

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serve liberty. In such a government it is often as great a crime to oppose or decry a popular demagogue, or any of his principal friends, as in a simple monarchy to oppose a king, or in a simple aristocracy the senators. The people will not bear a contemptuous look or disrespectful word; nay, if the style of your homage, flattery, and adoration, is not as hyperbolical as the popular enthusiasm dictates, it is construed into disaffection; the popular cry of envy, jealousy, suspicious temper, vanity, arrogance, pride, ambition, impatience of a superior, is set up against a man, and the rage and fury of an ungoverned rabble, stimulated underhand by the demagogic despots, breaks out into every kind of insult, obloquy, and outrage, often ending in murders and massacres, like those of the De Witts, more horrible than any that the annals of despotism can produce.

It is indeed true, that "the interest of freedom is a virgin that every one seeks to deflour; and like a virgin it must be kept, or else (so great is the lust of mankind after dominion) there follows a rape upon the first opportunity." From this it follows, that liberty in the legislature is "more secure in the people's than in any other hands, because they are most concerned in it:" provided you keep the executive power out of their hands entirely, and give the property and liberty of the rich a security in a senate, against the encroachments of the poor in a popular assembly. Without this the rich will never enjoy any liberty, property, reputation, or life, in security. The rich have as clear a right to their liberty and property as the poor. It is essential to liberty that the rights of the rich be secured; if they are not, they will soon be robbed and become poor, and in their turn rob their robbers, and thus neither the liberty or property of any will be regarded.

The careful attention to liberty "makes the people both jealous and zealous, keeping a constant guard against the attempts and encroachments of any powerful or crafty underminers."

But this is true only while they are made a distinct body from the executive power, and the most conspicuous citizens mingle all together, and a scramble instantly commences for the loaves and fishes, abolition of debts, shutting up courts of justice, divisions of property, &c. Is it not an insult to common sense, for a people with the same breath to cry *liberty*, an *abolition of debts*, and *division of goods?* If debts are once abolished, and goods

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are divided, there will be the same reason for a fresh abolition and division every month and every day. And thus the idle, vicious, and abandoned, will live in constant riot on the spoils of the industrious, virtuous, and deserving. "Powerful and crafty underminers" have nowhere such rare sport as in a simple democracy or single popular assembly. Nowhere, not in the completest despotisms, does human nature show itself so completely depraved, so nearly approaching an equal mixture of brutality and devilism, as in the last stages of such a democracy, and in the beginning of that despotism that always succeeds it.

"A people having once tasted the sweets of freedom, are so affected with it, that if they discover or do but suspect the least design to encroach upon it, they count it a crime never to be forgiven."

Strange perversion of truth and fact! This is so far from the truth, that our author himself is not able to produce a single instance of it as a proof or illustration. Instead of adducing an example of it from a simple democracy, he is obliged to have recourse to an example that operates strongly against him, because taken from an aristocracy. In the Roman state, one gave up his children, another his brother, to death, to revenge an attempt against common liberty. Was Brutus a man of the people? Was Brutus for a government of the people in their sovereign assemblies? Was not Brutus a patrician? Did he not think patricians a different order of beings from plebeians? Did he not erect a simple aristocracy? Did he not sacrifice his sons to preserve that aristocracy? Is it not equally probable that he would have sacrificed them to preserve his aristocracy from any attempt to set up such a government as our author contends for, or even against any attempt to have given the plebeians a share in the government; nay, against any attempt to erect the office of tribunes at that time?

"Divers sacrificed their lives to preserve it."

To preserve what? The standing government of grandees, against which our author's whole book is written.

"Some sacrificed their best friends to vindicate it, upon bare suspicion, as in the case of Mælius and Manlius."

To vindicate what? Liberty? popular liberty? plebeian liberty? Precisely the contrary. These characters were murdered for daring to be friends to popular liberty; for daring to

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think of limiting the power of the grandees, by introducing a share of popular authority and a mixed constitution; and the people themselves were so far from the zeal, jealousy, and love of liberty that our author ascribes to them, that they suffered their own authority to be prostituted before their eyes, to the destruction of the only friends they had, and to the establishment of their enemies, and a form of government by grandees, under which they had no liberty, and in which they had no share.

Our author then cites examples of revenge in Greece. The year 1656 was a late age in the history of philosophy, as well as morality and religion, for any writer to preach revenge as a duty and a virtue. Reason and philanthropy, as well as religion, pronounce it a weakness and a vice in all possible cases. Examples enough of it, however, may be found in all revolutions. But monarchies and aristocracies have practised it, and, therefore, the virtue of revenge is not peculiar to our author's plan. In Corcyra itself, the people were massacred by the grandees as often as they massacred the grandees. And of all kinds of spirits that we read of, out of hell, this is the last that an enlightened friend of liberty would philosophically inculcate. Let legal liberty vindicate itself by legal punishments and moral measures; but mobs and massacres are the disgrace of her sacred cause still more than that of humanity.

Florence, too, and Cosmus* are quoted, and the alternatives of treachery, revenge, and cruelty; all arising, as they did in Greece, from the want of a proper division of authority and an equal balance. Let any one read the history of the first Cosimo, his wisdom, virtues, and unbounded popularity, and then consider what would have been the consequence if Florence, at that period, had been governed by our author's plan of successive single assemblies, chosen by the people annually. It is plain that the people would have chosen such, and such only, for representatives as Cosimo and his friends would have recommended; at least a vast majority of them would have been his followers, and he would have been absolute. It was the aristocracy and the forms of the old constitution that alone served as a check upon him. The speech of Uzzano must convince one, that the people were more ready to make him absolute, than ever the Romans were to make Cæsar a perpetual dictator. He con-

* See vol. ii. p. 94. (Of this work, vol. v. p. 74.)

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fesses that Cosimo was followed by the whole body of the plebeians, and by one half of the nobles; that if Cosimo was not made master of the commonwealth, Rinaldo would be, whom he dreaded much more. In truth the government, at this time, was in reality become monarchical, and that ill-digested aristocracy, which they called a popular state, existed only in form; and the persecution of Cosimo only served to explain the secret.

Will it be denied that a nation has a right to choose a government for themselves? The question was really no more than this, whether Rinaldo or Cosimo should be master. The nation declared for Cosimo, reversed that banishment into which he had been very unjustly sent by Rinaldo, demanded his return, and voted him the father of his country. This, alone, is full proof, that if the people had been the keepers of their own liberties, in their successive assemblies, they would have given them all to Cosimo; whereas, had there been an equal mixture of monarchy, aristocracy, and democracy, in that constitution, the nobles and commons would have united against Cosimo, the moment he attempted to overleap the boundaries of his legal authority. Uzzano confesses that, unless charity, liberality, and beneficence were crimes, Cosimo was guilty of no offence; and that there was as much to apprehend from his own party as from the other, in the point of liberty. All the subsequent attempts of Rinaldo, to put Cosimo to death and to banish him, were unqualified tyranny. He saved his life, it is true, by a bribe; but what kind of patrons of liberty were these who would betray it for a bribe? His recall and return from banishment seem to have been the general voice of the nation, expressed according to the forms and spirit of the present constitution, without any appearance of such treachery, as our author suggests.*

Whether Nedham knew the real history of Florence is very problematical; all his examples from it, are so unfortunate as to be conclusive against his project of a government. The real essence of the government in Florence had been, for the greatest part of fifty years, a monarchy, in the hands of Uzzano and Maso, according to Machiavel's own account; its form an aristocracy, and its name a popular state. Nothing of the essence was changed by the restoration of Cosimo; the form and name only underwent an alteration.

* See vol. ii. pp. 96 – 99. (Of this work, vol. v. pp. 77 – 79.)

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Holstein, too, is introduced, merely to make a story for the amusement of a drunken mob. "Here is a health to the remembrance of our liberty," said the "boorish, poor, silly generation," seventy years after they were made a duchy. Many hogsheads of ale and porter, I doubt not, were drank in England in consequence of this Holstein story; and that was all the effect it could have towards supporting our author's argument.

How deep soever the impression may be, that is made by "the love of freedom in the minds of the people," it will not follow that they alone are "the best keepers of their own liberties, being more tender and more concerned in their security than any powerful pretenders whatsoever."

Are not the senators, whether they be hereditary or elective, under the influence of powerful motives to be tender and concerned for the security of liberty? Every senator who consults his reason, knows that his own liberty and that of his posterity must depend upon the constitution which preserves it to others. What greater refuge can a nation have, than in a council in which the national maxims and the spirit and genius of the state, are preserved by a living tradition? What stronger motive to virtue, and to the preservation of liberty, can the human mind perceive, next to those of rewards and punishments in a future life, than the recollection of a long line of ancestors, who have sat within the walls of the senate, and guided the councils, led the armies, commanded the fleets, and fought the battles of the people, by which the nation has been sustained in its infant years, defended from dangers, and carried, through calamities, to wealth, grandeur, prosperity, and glory? What institution more useful can possibly exist, than a living repertory of all the history, knowledge, interests, and wisdom of the commonwealth, and a living representative of all the great characters, whose prudence, wisdom, and valor are registered in the history and recorded in the archives of the country? If the people have the periodical choice of these, we may hope they will generally select those, among the most conspicuous for fortune, family, and wealth, who are most signalized for virtue and wisdom, which is more advantageous than to be confined to the eldest son, however defective, to the exclusion of younger sons, though excellent, and to one family, though decayed and depraved, to another more deserving, as in hereditary senates.

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But that a senate, guarded from ambition, should be objected to by a friend of liberty and republican government, is very extraordinary. Let the people have a full share, and a decisive negative; and, with this impregnable barrier against the ambition of the senate on one side, and the executive power, with an equal negative, on the other, such a council will be found the patron and guardian of liberty on many occasions, when the giddy, thoughtless multitude, and even their representatives, would neglect, forget, or even despise and insult it; instances of all which are not difficult to find.

The ninth reason is, "because the people are less luxurious than kings or grandees."

That may well be denied. Kings, nobles, and people are all alike in this respect, and, in general, know no other bounds of indulgence than the capacity of enjoyment, and the power to gratify it. The problem ought to be, to find a form of government best calculated to prevent the bad effects and corruption of luxury, when, in the ordinary course of things, it must be expected to come in. Kings and nobles, if they are confessed to enjoy or indulge in luxury more than the commons, it is merely because they have more means and opportunities, not because they have stronger appetites, passions, and fancies, or, in other words, a stronger propensity to luxury, than the plebeians. If it should be conceded, that the passions and appetites strengthen by indulgence, it must be confessed, too, that they have more motives to restrain them; but in regard to mere animal gratification, it may well be denied that they indulge or enjoy more than the common people on an average. Eating and drinking, surely, is practised with as much satisfaction by the footman as his lord; and as much pleasure may be tasted in gin, brandy, ale, and porter, as in Burgundy or Tokay; in beef and pudding, as in ortolans and jellies. If we consider nations together, we shall find that intemperance and excess are more indulged in the lowest ranks than in the highest. The luxury of dress, beyond the defence from the weather, is a mere matter of politics and etiquette throughout all the ranks of life; and, in the higher ranks, rises only in proportion as it rises in the middle and the lowest. The same is true of furniture and equipage, after the ordinary conveniences and accommodations of life. Those who claim or aspire to the highest ranks of life, will eternally go to a

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certain degree above those below them in these particulars, if their incomes will allow it. Consideration is attainable by appearance, and ever will be; and it may be depended on, that rich men, in general, will not suffer others to be considered more than themselves, or as much, if they can prevent it by their riches. The poor and the middle ranks, then, have it in their power to diminish luxury as much as the great and rich have. Let the middle and lower ranks lessen their style of living, and they may depend upon it the higher ranks will lessen theirs.

It is commonly said, every thing is *regis ad exemplum;* that the lower ranks imitate the higher; and it is true. But it is equally true that the higher imitate the lower. The higher ranks will never exceed their inferiors but in a certain proportion; but *the distinction* they are absolutely obliged to keep up, or fall into contempt and ridicule. It may gratify vulgar malignity and popular envy, to declaim eternally against the rich and the great, the noble and the high; but, generally and philosophically speaking, the manners and characters of a nation are all alike. The lowest and the middling people, in general, grow vicious, vain, and luxurious, exactly in proportion. As to appearance, the higher sort are obliged to raise theirs in proportion as the stories below ascend. A free people are the most addicted to luxury of any. That equality which they enjoy, and in which they glory, inspires them with sentiments which hurry them into luxury. A citizen perceives his fellow-citizen, whom he holds his equal, have a better coat or hat, a better house or horse, than himself, and sees his neighbors are struck with it, talk of it, and respect him for it. He cannot bear it; he must and will be upon a level with him. Such an emulation as this takes place in every neighborhood, in every family; among artisans, husbandmen, laborers, as much as between dukes and marquises, and more—these are all nearly equal in dress, and are now distinguished by other marks. Declamations, oratory, poetry, sermons, against luxury, riches, and commerce will never have much effect. The most rigorous sumptuary laws will have little more. "Discordia, et avaritia, atque ambitio, et cetera secundis rebus oriri sueta mala, post Carthaginis excidium maxumè aucta sunt. Ex quo tempore majorum mores, non paulatim, ut antea, sed torrentis modo præcipitati."*

* Sallust. *in Frag.*

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In the late war, the Americans found an unusual quantity of money flow in upon them, and, without the least degree of prudence, foresight, consideration, or measure, rushed headlong into a greater degree of luxury than ought to have crept in for a hundred years. The Romans charged the ruin of their commonwealth to luxury; they might have charged it to the want of a balance in their constitution. In a country like America, where the means and opportunities for luxury are so easy and so plenty, it would be madness not to expect it, be prepared for it, and provide against the dangers of it in the constitution. The balance, in a triple-headed legislature, is the best and the only remedy. If we will not adopt that, we must suffer the punishment of our temerity. The supereminence of a threefold balance above all the imperfect balances that were attempted in the ancient republics of Greece and Italy, and the modern ones of Switzerland and Holland, whether aristocratical or mixed, lies in this, that as it is capable of governing a great nation and large territory, whereas the others can only exist in small ones, so it is capable of preserving liberty among great degrees of wealth, luxury, dissipation, and even profligacy of manners; whereas the others require the utmost frugality, simplicity, and moderation, to make human life tolerable under them.

"Where luxury takes place, there is a natural tendency to tyranny."

There is a natural tendency to tyranny every where, in the simplest manners as well as the most luxurious, which nothing but force can stop. And why should this tendency be taken from human nature, where it grows as in its native soil, and attributed to luxury?

"The nature of luxury lies altogether in excess. It is a universal deprivation of manners, without reason, without moderation; it is the canine appetite of a corrupt will and phantasy, which nothing can satisfy; but in every action, in every imagination, it flies beyond the bounds of honesty, just and good, into all extremity."

This is declamation and rant that it is not easy to comprehend. There are all possible degrees of luxury which appear in society, with every degree of virtue, from the first dawnings of civilization to the last stage of improvement and refinement; and civility, humanity, and benevolence, increase commonly as fast as

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ambition of conquest, the pride of war, cruelty, and bloody rage, diminish. Luxury, to certain degrees of excess, is an evil; but it is not at all times, and in all circumstances, an absolute evil. It should be restrained by morality and by law, by prohibitions and discouragements. But the evil does not lie here only; it lies in human nature; and that must be restrained by a mixed form of government, which is the best in the world to manage luxury. Our author's government would never make, or, if it made, it never would execute laws to restrain luxury.

"That form of government," says our author, "must needs be the most excellent, and the people's liberty most secured, where governors are least exposed to the baits and snares of luxury."

That is to say, that form of government is the best, and the people's liberty most secure, where the people are poorest; this will never recommend a government to mankind. But what has poverty or riches to do with the form of government? If mankind must be voluntarily poor in order to be free, it is too late in the age of the world to preach liberty. Whatever Nedham might think, mankind in general had rather be rich under a simple monarchy, than poor under a democracy. But if that is the best form of government, where governors are least exposed to the baits and snares of luxury, the government our author contends for is the worst of all possible forms. There is, there can be no form in which the governors are so much exposed to the baits and snares of luxury as in a simple democracy. In proportion as a government is democratical, in a degree beyond a proportional prevalence of monarchy and aristocracy, the wealth, means, and opportunities being the same, does luxury prevail. Its progress is instantaneous. There can be no subordination. One citizen cannot bear that another should live better than himself; a universal emulation in luxury instantly commences; and the governors, that is, those who aspire at elections, are obliged to take the lead in this silly contention; they must not be behind the foremost in dress, equipage, furniture, entertainments, games, races, spectacles; they must feast and gratify the luxury of electors to obtain their votes; and the whole executive authority must be prostituted, and the legislative too, to encourage luxury. The Athenians made it death for any one to propose the appropriation of money devoted to the support of the theatre to any the most necessary purposes of the state. In

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monarchies and aristocracies much may be done, both by precept and example, by laws and manners, to diminish luxury and restrain its growth; in a mixed government more still may be done for this salutary end; but in a simple democracy, nothing. Every man will do as he pleases, no sumptuary law will be obeyed; every prohibition or impost will be eluded; no man will dare to propose a law by which the pleasures or the liberty of the citizen shall be restrained. A more unfortunate argument for a simple democracy could not have been thought of; it is, however, a very good one in favor of a mixed government.

Our author is nowhere so weak as in this reason, or under this head. He attempts to prove his point by reason and examples, but is equally unfortunate in both. First, by reason. "The people," says he, "must needs be less luxurious than kings, or the great ones, because they are bounded within a more lowly pitch of desire and imagination; give them but *panem et circenses*, bread, sport, and ease, and they are abundantly satisfied." It is to be feared that this is too good a character for any people living, or that have lived. The disposition to luxury is the same, though the habit is not, both in plebeians, patricians, and kings. When we say their desires are bounded, we admit the desires to exist. Imagination is as quick in one as in the other. It is demanding a great deal, to demand "bread, and sports, and ease." No one can tell how far these terms may extend. If by bread is meant a subsistence, a maintenance in food and clothing, it will mount up very high; if by sports be meant cock-fighting, horse-racing, theatrical representations, and all the species of cards, dice, and gambling, no mortal philosopher can fathom the depth of this article; and if with "bread" and "sport" they are to have "ease" too, and by ease be meant idleness, an exemption from care and labor, all three together will amount to as much as ever was demanded for nobles or kings, and more than ought ever to be granted to either. But let us grant all this for a moment; we should be disappointed; the promised "abundant satisfaction" would not be found. The bread must soon be of the finest wheat; poultry and *gibier* must be added to beef and mutton; the entertainments would not be elegant enough after a time; more expense must be added; in short, contentment is not in human nature; there is no passion, appetite, or affection for contentment. To amuse

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and flatter the people with compliments of qualities that never existed in them, is not the duty nor the right of a philosopher or legislator; he must form a true idea and judgment of mankind, and adapt his institutions to facts, not compliments.

"The people have less means and opportunities for luxury than those pompous standing powers, whether in the hands of one or many."

But if the sovereignty were exercised wholly by one popular assembly, they would then have the means and opportunities in their hands as much as the king has in a monarchy, or the senate in an aristocracy or oligarchy; and much more than either king or nobles have in the tripartite composition we contend for; because in this the king and nobles have really no means or opportunities of luxury but what are freely given them by the people, whose representatives hold the purse. Accordingly, in the simple democracy, or representative democracy, which our author contends for, it would be found, that the great leaders in the assembly would soon be as luxurious as ever kings or hereditary nobles were, and they would make partisans by admitting associates in a luxury, which they would support at the expense of the minority; and every particle of the executive power would be prostituted, new lucrative offices daily created, and larger appointments annexed to support it; nay, the power of judging would be prostituted to determine causes in favor of friends and against enemies, and the plunder devoted to the luxury. The people would be found as much inclined to vice and vanity as kings or grandees, and would run on to still greater excess and riot; for kings and nobles are always restrained, in some degree, by fear of the people, and their censures; whereas the people themselves, in the case we put, are not restrained by fear or shame, having all honor and applause at their disposal, as well as force. It does not appear, then, that they are less luxurious; on the contrary, they are more luxurious, and necessarily become so, in a simple democracy.

Our author triumphantly concludes, "it is clear the people, that is, their successive representatives," (all authority in one centre, and that centre the nation,) "must be the best governors, because the current of succession keeps them the less corrupt and presumptuous."

He must have forgot that these successive representatives

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have all the executive power, and will use it at once for the express purpose of corruption among their constituents, to obtain votes at the next election. Every commission will be given, and new offices created, and fresh fees, salaries, perquisites, and emoluments added, on purpose to corrupt more voters. He must have forgot that the judicial power is in the hands of these representatives, by his own suppositions, and that false accusations of crimes will be sustained to ruin enemies; disputes in civil causes will be decided in favor of friends; in short, the whole criminal law, and the whole civil law concerning lands, houses, goods, and money, will be made subservient to the covetousness, pride, ambition, and ostentation of the dominant party and their chiefs. "The current of succession," instead of keeping them "less corrupt and presumptuous," is the very thing that annually makes them more corrupt and shameless. Instead of being more "free from luxurious courses," they are more irresistibly drawn into them; instead of being "free from oppressive and injurious practices," their parties at elections will force them into them; and all these things they must do to hold up the port and splendor of their tyranny; and if any of them hesitate at any imprudence that his party demands, he alone will be rejected, and another found whose conscience and whose shame are sufficiently subdued.

Unfortunate in his arguments from reason, to show that the people, qualified with the supreme authority, are less devoted to luxury than the grandee or kingly powers, our author is still more unhappy in those drawn from example.

The first example is Athens. "While Athens remained free, in the people's hands, it was adorned with such governors as gave themselves up to a *serious*, *abstemious*, and severe course of life."

Sobriety, *abstinence*, and *severity*, were never remarkable characteristics of democracy, or the democratical branch or mixture, in any constitution; they have oftener been the attributes of aristocracy and oligarchy. Athens, in particular, was never conspicuous for these qualities; but, on the contrary, from the first to the last moment of her democratical constitution, *levity*, *gayety*, *inconstancy*, *dissipation*, *intemperance*, *debauchery*, and a *dissolution of manners*, were the prevailing character of the whole nation. At what period will it be pretended that they were adorned with

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these serious, abstemious, and severe governors? and what were their names? Was Pisistratus so serious, when he drove his chariot into the Agora, wounded by himself, and duped the people to give him his guard? or when he dressed the girl like Minerva? Was Hipparchus or Hippias, Cleisthenes or Isagoras, so abstemious? Was there so much abstinence and severity of public virtue in applying first to Sparta, and then to Persia, against their country, as the leaders alternately did? Miltiades indeed was serious, abstemious, and severe; but Xanthippus, who was more popular, and who conducted a capital accusation against him, and got him fined fifty talents, was not. Themistocles! was he the severe character? A great statesman and soldier, to be sure; but very ambitious, and not very honest. Pericles sacrificed all things to his ambition; Cleon and Alcibiades were the very reverse of sobriety, moderation, and modesty. Miltiades, Aristides, Socrates, and Phocion, are all the characters in the Athenian story who had this kind of merit; and to show how little the Athenians themselves deserved this praise, or esteemed it in others, the first was condemned by the people in an immense fine, the second to banishment, and the third and fourth to death. Aristides had Themistocles, a more popular man, constantly to oppose him. He was, indeed, made financier of all Greece; but what other arbitration had Athens? And Aristides himself, though a professed imitator of Lycurgus, and a favorer of aristocracy, was obliged to overturn the constitution, by giving way to the furious ambition of the people, and by letting every citizen into the competition for the archonship.*

"Being at the height, they began to decline;" that is, almost in the instant when they had expelled the Pisistratidæ, and acquired a democratical ascendency, though checked by the areopagus and many other institutions of Solon, they declined. The good conduct of the democracy began and ended with Aristides.

* When the city of Athens was rebuilt, the people, finding themselves in a state of tranquillity, endeavored by every means to get the whole government into their own hands. Aristides, perceiving that it would be no easy matter to restrain a people with arms in their hands, and grown insolent with victory, studied methods to appease them. He passed a decree, that the government should be common to all the citizens; and that the archons, who were the chief magistrates, and used to be chosen only out of those who received at least five hundred *medimni* of grain from the product of their lands, should for the future be elected from among all the Athenians, without distinction. Plut. *Arist.*

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"Permitting some men to greaten themselves by continuing long in power and authority, they soon lost their pure principles of severity and liberty."

In truth, nobody yet had such principles but Miltiades and Aristides. As soon as the people got unlimited power, they did, as the people always do, give it to their flatterers, like Themistocles, and continued it in him. To what purpose is it to talk of the rules of a free state, when you are sure those rules will be violated? The people unbalanced never will observe them.

"The thirty" were appointed by Lysander, after the conquest of Athens by Sparta; yet it was not the continuance, but the illimitation, of their power that corrupted them. These, indeed, behaved like all other unchecked assemblies. The majority destroyed Theramenes and the few virtuous members, who happened to be among them and were a reproach to them, and then ruled with a rod of iron. Nothing was heard of but murders and imprisonments. Riches were a crime that never failed to be punished with confiscation and death. More people were put to death in eight months of peace than had been slain by the enemy in a war of thirty years. In short, every body of men, every unchecked assembly in Athens, had invariably behaved in this manner: the four hundred formerly chosen; now the thirty; and afterwards the ten. Such universal, tenacious, and uniform conspiracies against liberty, justice, and the public good; such a never-failing passion for tyranny, possessing republicans born in the air of liberty, nurtured in her bosom, accustomed to that equality on which it is founded, and principled by their education, from their earliest infancy, in an abhorrence of all servitude, have astonished the generality of historians. There must be in power, say they, some violent impulse to actuate so many persons in this manner, who had no doubt sentiments of virtue and honor, and make them forget all laws of nature and religion. But there is really no room for all this surprise. It is the form of government that naturally and necessarily produces the effect. The astonishment really is, and ought only to be, that there is one sensible man left in the world who can still entertain an esteem, or any other sentiment than abhorrence, for a government in a single assembly.

"Such, also was the condition of Athens when Pisistratus usurped the tyranny." But who was it that continued the power

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of Pisistratus and his sons? The people. And if this example shows, like all others, that the people are always disposed to continue and increase the power of their favorites, against all maxims and rules of freedom, this, also, is an argument for placing balances in the constitution, even against the power of the people.

From Athens, our author comes to Rome. Under Tarquin, it was "dissolved in debauchery. Upon the change of government, their manners were somewhat mended."

This difference does not appear. On the contrary, the Roman manners were under the kings as pure as under the aristocracy that followed.

"The senate, being a standing power, soon grew corrupt, and first let in luxury, then tyranny; till the people, being interested in the government, established a good discipline and freedom both together; which was upheld with all severity till the ten grandees came in play."

When an author writes from imagination only, he may say what he pleases; but it would be trifling to adduce proofs in detail of what every one knows. The whole history of Rome shows that corruption began with the people sooner than in the senate; that it increased faster; that it produced the characters he calls grandees, — as the Gracchi, Marius, Sylla, and Cæsar; and that the senate was for centuries the check that preserved any degree of virtue, moderation, or modesty.

Our author's conclusion is, that "grandee and kingly powers are ever more luxurious than the popular are, or can be; that luxury ever brings on tyranny as the bane of liberty; and, therefore, that the rights of the people, in a due and orderly succession of their supreme assemblies, are more secure in their own hands than any others."

But if the fact is otherwise, and the people are equally luxurious in a simple democracy as in a simple aristocracy or monarchy; but more especially if it be true, as it undoubtedly is, that they are more so; then the contrary conclusion will follow, that their rights are more secure when their own power is tempered by a separate executive and an aristocratical senate.

The truth relating to this subject is very obvious, and lies in a narrow compass. The disposition to luxury is so strong in all men, and in all nations, that it can be restrained, where it

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has the means of gratification, only by education, discipline, or law. Education and discipline soon lose their force when unsupported by law. Simple democracies, therefore, have occasion for the strictest laws to preserve the force of education, discipline, and severity of manners. This is the reason why examples of the most rigorous, the most tyrannical, sumptuary laws are found in governments the most popular. But such sumptuary laws are found always ineffectual; they are always hated by the people, and violated continually; and those who approve them neither dare repeal them, nor attempt to carry them into execution. In a simple aristocracy, the disposition to luxury shows itself in the utmost extravagance, as in Poland. But it is confined to the gentlemen; the common people are forbidden it; and such sumptuary laws are executed severely enough. In simple monarchies, sumptuary laws are made under the guise of prohibitions or imposts; and luxury is generally no otherwise restrained than by the ability to gratify it; but as the difference of ranks is established by laws and customs universally known, there is no temptation for people in the lower ranks to imitate the splendor of those in the higher. But in the mixed government we contend for, the distinction of ranks is also generally known, or ought to be. It has, therefore, all the advantage against general luxury which arises from subordination; and it has the further advantage of being able to execute prudent and reasonable sumptuary laws, whenever the circumstances of affairs require them. It is, therefore, safe to affirm, that luxury is less dangerous in such a mixed government than any other; has less tendency to prevail; and is much more easily restrained to such persons and objects as will be least detrimental to the public good.

The tenth reason is, "because, under this government, the people are ever endued with a more magnanimous, active, and noble temper of spirit, than under the grandeur of any standing power. And this arises from that apprehension which every particular man hath of his own immediate share in the public interest, as well as of that security which he possesses in the enjoyment of his private fortune, free from the reach of any arbitrary power."

This is a good argument in favor of a government in which the people have an essential part of the sovereign power; but

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none at all for one in which they exercise the whole. When they have a part, balanced by a senate and a distinct executive power, it is true they have more magnanimity, activity, and spirit; they have a regard to their own immediate share in the public interest; they have an apprehension of that security they possess in the enjoyment of their private fortunes, free from the reach of any arbitrary power. Whenever success betides the public, and the commonwealth conquers, thrives in dominion, wealth, or honor, the citizen reckons all his own. If he sees honors, offices, rewards, distributed to valiant, virtuous, or learned men, he esteems them his own, as long as the door is left open to succeed in the same dignities and enjoyments, if he can attain to the same measure of desert. Men aspire to great actions when rewards depend on merit; and merit is more certain of reward in a mixed government than in any simple one. Rewards depend on the will and pleasure of particular persons, in standing powers of monarchy or aristocracy. But they depend equally on the will and pleasure of the *principes populi*, the reigning demagogues, in simple democracies, and for obvious reasons are oftener distributed in an arbitrary manner. In a mixed government, the ministers of the executive power are always responsible, and gross corruption in the distribution of offices is always subject to inquiry and to punishment; but in simple governments, the reigning characters are accountable to nobody. In a simple democracy, each leader thinks himself accountable only to his party, and obliged to bestow honors, rewards, and offices, not upon merit and for the good of the whole state, but merely to increase his votes and partisans in future elections. But it is by no means just, politic, or true, to say, that offices, &c. are always conferred in free states, meaning single assemblies, according to merit, without any consideration of birth or fortune. Birth and fortune are as much considered in simple democracies as in monarchies, and ought to be considered in some degree in all states. Merit, it is true, ought to be preferred to both; but, merit being equal, birth will generally determine the question in all popular governments; and fortune, which is a worse criterion, oftener still.

But what apprehension of their share in the public interest, or of their security in the enjoyment of their private fortune, can the minor party have, in a simple democracy, when they

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see that successes, conquests, wealth, and honor, only tend to increase the power of their antagonists, and to lessen their own; when all honors, offices, and rewards, are bestowed to lessen their importance, and increase that of their opponents; when every door is shut against them to succeed to dignities and enjoyments, be their merit what it will; when they see that neither birth, fortune, nor merit can avail them, and that their adversaries, whom they will call their enemies, succeed continually, without either birth, fortune, or merit? This is surely the course in a simple democracy, even more than in a simple aristocracy or monarchy. Abilities, no doubt, will be sought and purchased into the service of fortune and family in the predominant party, but left to perish in opposition.

A mixed government is the only one where merit can be expected to have fair play. There it has three resources, one in each branch of the legislature, and a fourth in the courts of justice; whereas in all simple governments it has but one.

Our author proceeds again to Roman history, and repeats examples he had used before, with equal ill success. The examples prove the contrary of what he cites them to prove. "The Romans, under their kings, remained inconsiderable in reputation, and could never enlarge the dominion very far beyond the walls of their city. Afterwards, under the standing power of the senate, they began to thrive a little better, and for a little time. But when the people began to know, claim, and possess their liberties, in being governed by a succession of their supreme officers and assemblies, then it was, and never till then, that they laid the foundation and built the structure of that wondrous empire that overshadowed the whole world."

In support of all this, no doubt, will be cited the splendid authority of Sallust. "Nam regibus, boni quam mali suspectiores sunt, semperque his aliena virtus formidolosa est. Sed civitas, incredibile memoratu est, adepta libertate, quantum brevi creverit; tanta cupido gloriæ incesserat. Jam primum juventus, simul laboris ac belli patiens erat, in castris per usum militiam discebat; magisque in decoris armis et militaribus equis, quam in scortis atque conviviis lubidinem habebat." The condition and happiness of Rome under their kings, till the time of Tarquin, have been before related. It has been shown that the introduction of laws and formation of the manners of a barbarous rabble, assembled from all nations,

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engaged the attention both of the kings and the senate during this period. Their wars have been enumerated, and it has been shown that the nation was not in a condition to struggle with hostile neighbors, nor to contend among themselves. It has been shown that, in proportion as they became easy and safe, the nobles began to envy the kings, and to form continual conspiracies against their authority, thrones, and lives, until it became a question only whether monarchy or aristocracy should be abolished. In this manner kings were necessitated either to give up all their authority into the hands of a haughty and aspiring senate, or assert a more decisive and arbitrary power than the constitution allowed them. In the contest the nobles prevailed, and in the wars with Tarquin and his successors and their allies, soldiers and officers were formed, who became capable and desirous of conquest and glory. Sallust himself confesses this in the former chapter. "Post, ubi regium imperium, quod *initio conservandæ libertatis, atque augendæ reipublicæ fuerat*, in superbiam, dominationemque convertit; immutato more, annua imperia, binosque imperatores sibi fecere."

In addition to this it should be remembered, that Sallust was an aristocratical historian, and attached to the sovereignty in the senate, or at least desirous of appearing so in his history, and an enemy to the government of a single person, of which the republic was at that time in the near prospect and the utmost danger. The question, in the mind of this writer, was not between an aristocracy and a mixed sovereignty, but between aristocracy and simple monarchy, or the empire of one. Yet all that can be inferred from the fact, as stated by our author and by Sallust, is, that aristocracy at first is better calculated for conquest than simple monarchy. It by no means follows, that aristocracy is more friendly to liberty or commerce, the two blessings now most esteemed by mankind, than even simple monarchy. But the most exceptionable sentiment of all is this, — "When the people began to possess their liberties, in being governed by a succession of their supreme officers and assemblies, then they laid the foundation of empire, and built the structure." By this one would think that the Romans were governed by a single representative assembly, periodically chosen, which is our author's idea of a perfect commonwealth; whereas nothing can be further from the truth. There is scarcely any

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constitution farther removed from a simple democracy or a representative democracy than the Roman. As has been before observed, from Romulus to Cæsar, aristocracy was the predominant feature of the sovereignty. The mixture of monarchical power in the kings and consuls, and the mixture of democratical power in the tribunes and popular assemblies, though unequal to the aristocratical ingredient, were checks to it and strong stimulants to exertions, though not complete balances. But the periods of greatest liberty, virtue, glory, and prosperity, were those in which the mixture of all three was nearest equality. Our author's argument and example are clear and strong in favor of the triple combination, and decisive against the democracy he contends for.

"In those days the world abounded with free states more than any other form, as all over Italy, Gallia, Spain, and Africa."

It may be questioned, whether there was then in the world one free state, according to our author's definition of it. All that were called free states in those days, were either aristocracies, oligarchies, or mixtures of monarchy and aristocracy, of aristocracy and democracy, or of monarchy, aristocracy, and democracy. But not one do we read of which was governed by a democracy, simple or by representation. The Achaian league, and others like it, were confederated cities, each city being independent, and itself a mixed government.

Carthage is the next example; and an excellent one it is to prove that a mixed government, in which the people have a share, gives them magnanimity, courage, and activity; but it proves nothing to our author's purpose. The *suffetes*, the senate, and the people, the monarchical, aristocratical, and democratical powers, nicely balanced, as Aristotle says, were the constitution of Carthage, and secured its liberty and prosperity. But when the balance was weakened, and began to incline to a *dominatio plebis*, the precise form of government our author contends for, they hastened to ruin. The next example quoted by our author is the Swiss; another example which proves nothing for him, and much against him. All the cantons of any extent, numbers, or wealth, are aristocratical or mixed. The little spots that are called democratical are more or less mixtures. The Hollanders, his last example, had no democratical mixture in their constitution; are entirely aristocratical; and preserved from tyranny

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and destruction, partly by a stadtholder, partly by the people in mobs, but more especially by the number of independent cities and sovereignties associated together, and the great multitude of persons concerned in the government and composing the sovereignty, four or five thousand; and, finally, by the unanimity that is required in all transactions. Thus, every one of these examples, ancient and modern, is a clear demonstration against our author's system instead of being an argument for it. There is not even a color in his favor in the democratical cantons of Switzerland, narrow spots or barren mountains, where the people live on milk; nor in St. Marino or Ragusa. No precedents, surely, for England or American States, where the people are numerous and rich, the territory capacious, and commerce extensive.

Freedom produces magnanimity and courage; but there is no freedom nor justice in a simple democracy for any but the majority. The ruling party, no doubt, will be active and bold; but the ruled will be discouraged, browbeaten, and insulted, without a possibility of redress but by civil war. It is a mixed government, then, well balanced, that makes all the nation of a noble temper. Our author confesses, "we feel a loss of courage and magnanimity follow the loss of freedom;" and it is very true. This loss is nowhere so keenly felt as when we are enslaved by those whom the constitution makes our equals. This is the case of the minority always in a simple democracy.

The eleventh reason is, "because no determinations being carried but by consent of the people, therefore they must needs remain secure out of the reach of tyranny and free from the arbitrary disposition of any commanding power."

No determinations are carried, it is true, in a simple or representative democracy, but by consent of the majority of the people or their representatives. If our author had required unanimity in every vote, resolve, and law, in that case no determination could be carried but by consent of the people. But no good government was ever yet founded upon the principle of unanimity; and it need not be attempted to be proved that none such ever can exist. If the majority, then, must govern, and consequently often near half, and almost always a party, must be governed against their consent, it is the majority only who will remain secure out of the reach of tyranny, and free from the

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arbitrary disposition of any commanding power. The minority, on the contrary, will be constantly within the reach of tyranny, and under the arbitrary disposition of the commanding power of the majority. Nor do the minority, under such a government, "know what laws they are to obey, or what penalties they are to undergo, in case of transgression; nor have they any share or interest in making of laws, with the penalties annexed; nor do they become the more inexcusable if they offend;" nor ought they "the more willingly to submit to punishment, when they suffer for any offence," for the minority have no laws but what the majority please to give, any more than "when government is managed in the hands of a particular person," or "continued in the hands of a certain number of great men;" nor do the minority "know how to walk by those laws" of the majority, "or how to understand them, because the sense is oftentimes left at uncertainty;" and it will be "reckoned a great mystery of state, in such a form of government, that no laws shall be of any sense or force, but as the great ones" among the majority "please to expound them;" so as "the people of the minority" will be "left, as it were, without law, because they bear no other construction and meaning but what suits with the interests and fancies of particular men" in the majority; "not with right reason or the public liberty."

To be convinced of this, we should recollect that the majority have the appointment of the judges, who will be generally the great leaders in the house, or their friends and partisans, and even great exertions will be made to pack juries; but without packing, the probability is, that a majority at least of the juries will be of the ruling party in the nation and its sovereign assembly. We may go farther, and say, that as the passions and interests of the majority have no check, they will frequently make *ex post facto* laws; laws with a retrospect, to take in cases which at the time were not foreseen, for the mortification of the minority and the support and encouragement of their adversaries. The judges will not be less "reputed the oracles of the law" under such a government, than under kings or standing senates; and the "power of creating judges" will not indeed be "usurped," but will be legally and constitutionally in the hands of the majority, or rather of their leader or leaders, "who will ever have a care to create such as will make the law speak in favor of

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them upon any occasion." These *principes populi* may say, with as much arrogance and as much truth as it was ever said by Charles or James, "As long as we have the power of making what judges and bishops we please, we are sure to have no law nor gospel but what shall please us."

The example of Henry VII. and Henry VIII., those of James and Charles, are no doubt pertinent to prove, that "the usurpation of a prerogative of expounding the laws after their own pleasure, made them rather snares than instruments of relief, like a grand catchpole, to pill, poll, and geld the purses of the people; to deprive many gallant men of their lives and fortunes." But if we had the history of any simple democracy, or democracy by simple representation, such as our author contends for, we should find that such a prerogative was usurped by the majority and their chiefs, and applied to as bad purposes. But the truth is, no such government, that we know of, ever existed. The universal sense of mankind has deemed it so destructive or impracticable, that no nation has ventured on it. The Italian republics of the middle age approach the nearest to it. Their history is an answer. But if we consider those passions in human nature which cause despots, oligarchies, and standing senates, to make such an abuse of power, we must see that the same passions will ever exist in the majority and their leaders in a democracy, and produce the same fatal effects.

It is really astonishing, that the institution of Lycurgus should be adduced as a precedent in favor of our author's project of the right constitution of a commonwealth; there is scarcely a form of government in the world more essentially different from it in all its parts. It is very true that the provision made by that legislator for an equality of laws, rights, duties, and burdens, among all the citizens, however imperfect it was, however inferior to the provision in the English and American constitutions, was the principal commendation of his plan; but instead of giving all power to the people or their representatives, he gave the real sovereignty to his standing senate. Our author himself is so sensible of this, that he allows the "Lacedæmonian commonwealth to be cut out after the grandee fashion, confirming the supremacy within the walls of the senate." The senate was in some measure "restrained by laws, walking in the same even pace of subjection with the people; having very few offices of

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dignity or profit allowed, which might make them swell with state and ambition; but were prescribed also the same rules of frugality, plainness, and moderation, as were the common people; by which means immoderate lusts and desires being prevented in the great ones, they were the less inclined to pride and oppression; and no great profit or pleasure being to be gotten by authority, very few desired it; and such as were in it sat free from envy, by which means they avoided that odium and emulation which uses to rage betwixt the great ones and the people in that form of government."

But how was this done? by collecting all authority into one centre? No; but by prohibiting travel and communication with strangers, which no people on earth are now barbarous and stupid enough to bear; by prohibiting commerce, which no people who have sense and feeling will now renounce; and by prohibiting money, which all people now desire, and which makes the essential instrument for guiding the world. But all this would not have succeeded, if his constitution had been only one popular assembly. This was effected by reciprocal checks and a real balance, approaching nearly to an absolute control of the senate, by a marriage between the king and people. The king, so far from being a cipher, had great authority; he was the standing and hereditary head of the commonwealth, and this alone must give him a dominion over the hearts and understandings both of senate and people, that must have amounted to a great authority. Our author is generally so sensible of the influence gained over high and low by standing authority, that it is wonderful he should forget it in this case. He was, besides, always commander-in-chief of the armies, and generally led in person; and this, in all governments, gives a general an influence bordering on royal supremacy. But, besides, there were two assemblies of the people, one for the city and one for the country, and those popular representatives, the *Ephori*.

But the indissoluble bond that united the king and people for ever, was the oath taken by the kings and ephori every month; the former never to violate the privileges of the people, and the latter forever to be loyal to the kings, the descendants of Hercules. This was not equivalent to an absolute negative in the king and the people both, upon the laws of the senate, but it amounted to one complete negative upon the senate; because

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the kings and people were both sworn to oppose all encroachments of the senate; and if these had made unequal laws, and scrambled for more power, the people would have instantly taken arms, under the command of their ephori and their kings, against the senate. This balance, this mixture, was the real cause of that equality which was preserved in Sparta. But if all authority had been in the popular assemblies, without kings or senate, the right constitution of a commonwealth which our author is an advocate for, that equality could not have existed twenty years; a majority would necessarily have risen up to carry all before them, and to depress the minority more and more, until the first man among the majority would have been king, his principal supporters nobles, and the rest not only plebeians, but slaves.

The question between us and our author, is not whether the people shall be excluded from all interest in government or not. In this point we are perfectly agreed, namely, — that there can be no constitutional liberty, no free state, no right constitution of a commonwealth, where the people are excluded from the government; where, indeed, the people have not an independent equal share with the two other orders of the state, and an absolute control over all laws and grants of money. We agree, therefore, in his next example, the commonwealth of Venice, "where the people being excluded from all interest in government, the power of making and executing of laws, and bearing offices, with all other immunities, lies only in the hands of a standing senate and their kindred, which they call the patrician or noble order. Their duke is indeed restrained." But far from being "made just such another officer as were the Lacedæmonian kings," he is reduced in dignity and authority much below them, "differing from the rest of the senate only in a corner of his cap, besides a little outward ceremony and splendor. The senators themselves have, indeed, liberty at random arbitrarily to ramble and do what they please with the people, who, excepting the city itself, are so extremely oppressed in all their territories, living by no law but the arbitrary dictates of the senate, that it seems rather a junta than a commonwealth; and the subjects take so little content in it, that seeing more to be enjoyed under the Turk, they that are his borderers take all opportunities to revolt, and submit rather to the mercy of a

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Pagan tyranny. Which disposition if you consider, together with the little courage in their subjects, by reason they press them so hard, and how that they are forced for this cause to rely upon foreign mercenaries in all warlike expeditions, you might wonder how this state hath held up so long, but that we know the interest of Christendom being concerned in her security, she hath been chiefly supported by the supplies and arms of others."

All this is readily allowed. We concur also most sincerely in our author's conclusion, in part, namely, — "That since kings and all standing powers are so inclinable to act according to their own wills and interests, in making, expounding, and executing of laws, to the prejudice of the people's liberty and security, no laws whatsoever should be made but by the people's consent, as the only means to prevent arbitrariness." But we must carry the conclusion farther, namely, — that since all men are so inclinable to act according to their own wills and interests, in making, expounding, and executing laws, to the prejudice of the people's liberty and security, the sovereign authority, the legislative, executive, and judicial power, can never be safely lodged in one assembly, though chosen annually by the people; because the majority and their leaders, the *principes populi*, will as certainly oppress the minority, and make, expound, and execute laws for their own wealth, power, grandeur, and glory, to the prejudice of the liberty and security of the minority, as hereditary kings or standing senates.

The conclusion, therefore, that "the people, in a succession of their supreme single assemblies, are the best keepers of their liberties," must be wholly reprobated.

The twelfth reason is, "because this form is most suitable to the nature and reason of mankind."

If Socrates and Plato, Cicero and Seneca, Hutcheson and Butler are to be credited, reason is rightfully supreme in man, and, therefore, it would be most suitable to the reason of mankind to have no civil or political government at all. The moral government of God, and his vicegerent, Conscience, ought to be sufficient to restrain men to obedience, to justice, and benevolence, at all times and in all places; we must therefore descend from the dignity of our nature, when we think of civil government at all. But the nature of mankind is one thing, and the reason of mankind another; and the first has the same relation

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to the last as the whole to a part. The passions and appetites are parts of human nature, as well as reason and the moral sense. In the institution of government, it must be remembered that, although reason ought always to govern individuals, it certainly never did since the Fall, and never will, till the Millennium; and human nature must be taken as it is, as it has been, and will be. If, as Cicero says, "man is a noble creature, born with affections to rule rather than obey, there being in every man a natural desire of principality," it is yet certain that every man ought to obey as well as to rule, ἄρχειν καὶ ἄρχεσθαι, and that every man cannot rule alone. Each man must be content with his share of empire; and if the nature and reason of mankind, the nobleness of his qualities and affections, and his natural desires, prove his right to a share in the government, they cannot surely prove more than the constitutions of the United States have allowed, — an annual election of the whole legislative and executive, the governor, senate, and house. If we admit them to prove more, they would prove that every man has every year a right to be governor, senator, and representative; which, being impossible, is absurd.

Even in our author's "Right Constitution," every man would have an equal right to be representative, chosen or not. The reason why one man is content to submit to the government of another, as assigned by our author, namely, — "not because he conceives himself to have less right than another to govern, but either because he finds himself less able, or else because he judgeth it will be more convenient for himself and the community, if he submits to another's government," is a proof of this; because, the moment it is allowed that some are more able than others, and that the community are judges who the most able are, you take away the right to rule, derived from the nobleness of each man's individual nature, from his affections to rule rather than obey, or from his natural appetite or desire of principality, and give the right of conferring the power to rule to the community. As a share in the appointment of deputies is all that our author can with any color infer from this noble nature of man, his nature will be gratified and his dignity supported as well, if you divide his deputies into three orders, — of governor for the executive and an integral share in the legislative, of senators for another independent part of the legislative, and

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of representatives for a third; — and if you introduce a judicious balance between them, as if you huddle them into one assembly, where they will soon disgrace their own nature and that of their constituents, by ambition, avarice, jealousy, envy, faction, division, sedition, and rebellion. Nay, if it should be found that annual elections of governors and senators cannot be supported without introducing venality and convulsions, as is very possible, the people will consult the dignity of their nature better by appointing a standing executive and senate, than by insisting on elections, or at least by prolonging the duration of those high trusts, and making elections less frequent.

It is indeed a "most excellent maxim, that the original and fountain of all just power and government is in the people;" and if ever this maxim was fully demonstrated and exemplified among men, it was in the late American Revolution, where thirteen governments were taken down from the foundation, and new ones elected wholly by the people, as an architect would pull down an old building and erect a new one. There will be no dispute, then, with Cicero, when he says, "A mind well instructed by the light of nature, will pay obedience," willingly "to none but such as command, direct, or govern for its good or benefit;" nor will our author's inferences from these passages from that oracle of human wisdom be denied:

"1. That by the light of nature people are taught to be their own carvers and contrivers in the framing of that government under which they mean to live.

"2. That none are to preside in government, or sit at the helm, but such as shall be judged fit, and chosen by the people.

"3. That the people are the only proper judges of the convenience or inconvenience of a government when it is erected, and of the behavior of governors after they are chosen."

But then it is insisted, that rational and regular means shall be used that the whole people may be their own carvers, that they may judge and choose who shall preside, and that they may determine on the convenience or inconvenience of government, and the behavior of governors. But then it is insisted, that the town of Berwick upon Tweed shall not carve, judge, choose, and determine for the whole kingdom of Great Britain, nor the county of Berkshire for the Massachusetts; much less that a lawless tyrannical rabble shall do all this for the state, or even for the county of Berkshire.

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It may be, and is admitted, that a free government is most natural, and only suitable to the reason of mankind; but it by no means follows "that the other forms, as of a standing power in the hands of a particular person, as a king; or of a set number of great ones, as in a senate," much less that a mixture of the three simple forms "are beside the dictates of nature, and mere artificial devices of great men, squared out only to serve the ends and interests of avarice, pride, and ambition of a few, to a vassalizing of the community." If the original and fountain of all power and government is in the people, as undoubtedly it is, the people have as clear a right to erect a simple monarchy, aristocracy, or democracy, or an equal mixture, or any other mixture of all three, if they judge it for their liberty, happiness, and prosperity, as they have to erect a democracy; and infinitely greater and better men than Marchamont Nedham, and the wisest nations that ever lived, have preferred such mixtures, and even with such standing powers as ingredients in their compositions. But even those nations who choose to reserve in their own hands the periodical choice of the first magistrate, senate, and assembly, at certain stated periods, have as clear a right to appoint a first magistrate for life as for years, and for perpetuity in his descendants as for life.

When I say for perpetuity or for life, it is always meant to imply, that the same people have at all times a right to interpose, and to depose for maladministration — to appoint anew. No appointment of a king or senate, or any standing power, can be, in the nature of things, for a longer period than *quam diu se bene gesserit*, the whole nation being judge. An appointment for life or perpetuity can be no more than an appointment until further order; but further order can only be given by the nation. And, until the nation shall have given the order, an estate for life or in fee is held in the office. It must be a great occasion which can induce a nation to take such a subject into consideration, and make a change. Until a change is made, an hereditary limited monarch is the representative of the whole nation, for the management of the executive power, as much as a house of representatives is, as one branch of the legislature, and as guardian of the public purse; and a house of lords, too, or a standing senate, represents the nation for other purposes, namely, as a watch set upon both the representative and the executive

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power. The people are the fountain and original of the power of kings and lords, governors and senates, as well as the house of commons, or assembly of representatives. And if the people are sufficiently enlightened to see all the dangers that surround them, they will always be represented by a distinct personage to manage the whole executive power; a distinct senate, to be guardians of property against levellers for the purposes of plunder, to be a repository of the national tradition of public maxims, customs, and manners, and to be controllers, in turn, both of kings and their ministers on one side, and the representatives of the people on the other, when either discover a disposition to do wrong; and a distinct house of representatives, to be the guardians of the public purse, and to protect the people, in their turn, against both kings and nobles.

A science certainly comprehends all the principles in nature which belong to the subject. The principles in nature which relate to government cannot all be known, without a knowledge of the history of mankind. The English constitution is the only one which has considered and provided for all cases that are known to have generally, indeed to have always, happened in the progress of every nation; it is, therefore, the only scientifical government. To say, then, that standing powers have been erected, as "mere artificial devices of great men, to serve the ends of avarice, pride, and ambition of a few, to the vassalizing of the community," is to declaim and abuse. Standing powers have been instituted to avoid greater evils,—corruption, sedition, war, and bloodshed, in elections; it is the people's business, therefore, to find out some method of avoiding them, without standing powers. The Americans flatter themselves they have hit upon it; and no doubt they have for a time, perhaps a long one; but this remains to be proved by experience.

Our author proceeds: "A consent and free election of the people, which is the most natural way and form of governing, hath no real effect in the other forms; but is either supplanted by craft and custom, or swallowed up by a pernicious pretence of right, in one or many, to govern only by virtue of a hereditary succession."

If the people are so unenlightened, and so corrupt, that they cannot manage one third part of a legislature, and their own purses by their representatives, how much worse would it be if

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they had the whole, and all the executive and judicial powers, to manage? But the assertion is not true. The consent and free election of the people have a great and decided effect in the English constitution, and would have had much more if it had been more equal. But if the present inequalities cannot be altered, nor a vote obtained to alter them in the house of commons, nor any general application of the people to have them altered, what would be the effect of the whole executive and judicial powers, were they in the hands of the house? The leading members would employ both these resources, not only to prevent the representation from being rendered more equal, but to make it still more unequal. Our author, alluding to the times of Charles and James, had some color for representing the power of the commons as of little effect; but he saw that an attempt, or suspicion of one, to grasp all power into the hands of the crown, had proved the destruction both of king and lords; this, surely, was a real and great effect. If nations will entangle their constitutions with spiritual lords, and elective lords, and with decayed boroughs, how can it be avoided? But would not the nation send bishops and elective lords into a single house as their deputies? and would not the utmost artifices of bigotry, superstition, and enthusiasm, be set at work among the people, as well as bribery and corruption at elections? If the people cannot be sufficiently enlightened, by education and the press, to despise and resent, as insults and impositions on human nature, all pretences of right drawn from uninterrupted successions, or divine missions, they will be duped by them in one assembly more than in three.

Our author has no right to call his project "the people's form," any more than Montesquieu, Blackstone, and De Lolme, have to call their admired system by that endearing appellation. Both are the people's form, if the people adopt, choose, and prefer them; and neither is, if they do not. The people have liberty to make use of that reason and understanding God hath given them, in choosing governors, and providing for their safety in government, where they annually choose all; nay, they have it even where the king and senate are hereditary, so long as they have the choice of an essential branch. No law can be made, no money raised, not one step can be taken, without their con-

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currence; nay, there is no one act can be done by the ministers of the executive, but the people, by their representatives, can inquire into, and prosecute to judgment and to punishment if it is wrong. Our author will not consider the case of a mixed government; all governments must be simple with him; the people must exercise all power, or none. He had his reasons for this artifice at that time, which do not exist at this; his reasons, however, were not sufficient; and if the nation had been dealt with more candidly, openly, and boldly, by him, and Milton, and others, a better settlement might have been obtained. But it is plain that Milton, Nedham, and even Harrington, wrote in shackles; but had Nedham and Milton understood the science of government as well as Harrington, Charles had never been restored.

Our author, instead of considering the project of two assemblies, as Harrington did, flies from the idea, and will allow no mixtures.

"In the other forms of a standing power, *all* authority being entailed to certain persons and families, in a course of inheritance, men are always deprived of the use of their reason about choice of governors." In mixed governments, even such as Sparta, Athens, Rome, Carthage, imperfect as those mixtures were, our author very well knew, that although some authority was entailed, all was not. In America none at all is entailed, or held for more than a term of years; their course, therefore, is not "destructive to the reason, common interest, and majesty, of that noble creature called man," and has avoided "that most irrational and brutish principle, fit only to be hissed out of the world, which has transformed men into beasts, and mortified mankind with misery through all generations."

This violent declamation, however, does not remove the danger of venality, faction, sedition, and civil war, in the choice of governors and senators, principles more brutish and irrational, more fit to be hissed out of the world, than hereditary kings and senates — evils, indeed, if you will, but the least of the two. Hereditary senators, it is certain, have not been the advocates, abettors, or erectors, in general, of absolute monarchies; no such government ever was, or will be, erected or supported but against their wills. It is the people, who, wearied and irritated with

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the solicitations, bribes, intrigues, and tyranny of the nobles, and their eternal squabbles with kings, have always set up monarchy, and fortified it with an army.

Our author proceeds to search for examples all over the world; and fixes first upon monarchy, absolute hereditary monarchy; but as Americans have no thoughts of introducing this form of government, it is none of their concern to vindicate the honor of such kings or kingdoms. Two quarters of the globe, Asia and Africa, are governed wholly by despotisms. There are in Europe near two hundred simple monarchs, and in the course of the two last centuries, allowing twenty years to each reign, two thousand absolute princes.* If these have been generally of such a character as our author describes, what are we to think of the pride and dignity of that rational, noble animal, man, who has submitted so quietly to their tyranny? Mr. Hume thinks more favorably of them; and he has the judgment of the species in his favor. The species, not having yet attended to the balance and tried its virtues, have almost universally determined monarchy preferable to aristocracies, or mixtures of monarchy and aristocracy; because they find the people have more liberty under the first than under the two last. They may possibly one day try the experiment of mixtures and balances; when they do, a greater improvement in society will take place than ever yet has happened.

Nations, too, have tried the experiment of elective monarchies, in Bohemia, Poland, Hungary, Sweden, &c., instances which our author adduces; but after long miseries, wars, and carnage, they have always determined chance to be better than choice, and hereditary princes preferable to elective ones. These elections, it is true, have been made by nobles, and by very inadequate methods of collecting the votes of the people; and when elected, there has been no good balance between them and the nobles, nor between the nobles and the people. The Americans have hoped that these circumstances might be arranged so as to justify one more experiment of elective executives, as well as senates and representatives. They have not adopted our author's idea, that if any kingly form be tolerable, it must be that which is by election, chosen by the people's

* Hume's *Essays*, vol. i. p. 98.

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representatives. They were well aware, that "present greatness would give their governors an opportunity to practise such sleights, that in a short time the government, that they received only for their own lives, will become entailed upon their families; whereby the people's election will be made of no effect further than for fashion, to mock the poor people, and adorn the triumphs of an aspiring tyranny." A hereditary first magistrate at once would, perhaps, be preferable to elections by legislative representatives; it is impossible to say, until it is fairly tried, whether it would not be better than annual elections by the people; or whether elections for more years, or for life, would not be better still.

Our author concludes by a very curious definition of the people.

"To take off all misconstructions, when we mention the people, observe all along, that we do not mean the confused promiscuous body of the people, nor any part of the people who have forfeited their rights by delinquency, neutrality, or apostacy, &c. in relation to the divided state of any nation; for they are not to be reckoned within the lists of the people."

This wise precaution to exclude all royalists, prelatists, and malignants, according to the style of those times, was very sagacious; and all majorities will ever be equally penetrating in such a Right Constitution of a Commonwealth as our author contends for; the minority will seldom be accounted people.

The thirteenth reason is, "because in free states there are fewer opportunities of oppression and tyranny than in the other forms."

This is very true, and most cordially admitted; but then the question occurs, What is a free state? In the aristocracy of Venice and Poland there are opportunities of oppression and tyranny; and although our author's Right Constitution of a Commonwealth has never been tried, the unanimous determination of all nations having been against it, and almost the universal voice of individuals; yet the instantaneous effects of it upon human nature are so obvious, that it is easy to foresee it would afford more opportunities for tyranny and oppression, and would multiply such opportunities more than aristocracy, or even monarchy; because the leaders of the majority in the

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house would be supported and stimulated by their parties continually to tyrannize and oppress the minority. The reason given by our author in support of his position is directly against it: "It is ever the care of free commonwealths to preserve not an equality, (which were irrational and odious) but an equability of condition among all the members." Equality, it seems, was not his favorite; this would not do in England, to be sure, any more than America. What his distinction is between equality and equability is not known; he defines it, "that no man be permitted to grow over-great in power." But how much is over-great? this is reduced to no standard. "Nor any rank above the ordinary standard." What is this? Excellencies, honorables, gentlemen, yeomen and laborers, are really as distinct ranks, and confer as different degrees of consideration, respect, and influence, among a people who have no other distinctions, as dukes, marquises, earls, and barons, in nations that have adopted these titles; and the higher are as eagerly coveted by the lower. But at last the secret comes out, — "to assume the state and title of nobility." The house of lords had been voted useless, and it was our author's system to keep it down; without considering that the thing would still exist, call it by what name you will.

Preserving the equability "secures the people's liberty from the reach of their own officers, in camp or council." But no people ever yet were provident enough to preserve either equality or equability. Their eternal fault is too much gratitude to those who study their humors, flatter their passions, and become their favorites. They never know any bounds in their praises, honors, or rewards, to those who possess their confidence, and have excited their enthusiasm. The reputation of their idol becomes as complete a tyranny as can be erected among men; it is a crime that is not to be borne, to speak a word, to betray a look, in opposition to him; nay, not to pronounce their most inflamed hyperboles in his praise, with as ardent a tone as theirs, is envy, disaffection, ambition. "Down with him! the Tarpeian rock!" as soon as Manlius dares to think a little higher of his own services, and a little lower of Camillus, than the fashion. Aristocracies are anxious and eager to prevent any one of the nobility from overtopping the rest; monarchies are jealous of any very great near the throne; but an unmixed, unbalanced people, are

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never satisfied till they make their idol a tyrant. An equal mixture of monarchy, aristocracy, and democracy, is the only free government which has been able to manage the greatest heroes and statesmen, the greatest individuals and families, or combination of them, so as to keep them always obedient to the laws. A Marlborough, a Pulteney, or a Pitt, are here harmless beings. But in Rome a Marlborough would have been worse than Marius, Sylla, or Cæsar; in Athens, worse than Themistocles, Pericles, or Alcibiades; because, with all their ambition, he had more avarice and less sense.

Not allowing any rank above the common standard, "secures the people from the pressures and ambition of such petty tyrants, as would usurp and claim a prerogative, power, and greatness above others, by birth and inheritance."

These expressions have all the keenness and bitterness of party rancor; and although they were, at that time, no doubt, music to his friends and death to his enemies, they are so difficult to avoid in such times, that on the one hand, candid philosophy will extenuate their ferocity, but on the other, political wisdom will forever be on its guard against their seductions.

"These," that is a nobility, "are a sort of men not to be endured in any well ordered commonwealth."

If these words are true, no well ordered commonwealth ever existed; for we read of none without a nobility, no, not one, that I can recollect, without a hereditary nobility; — Sparta, Athens, Rome, Venice, Bern, Holland, even Geneva and San Marino, &c., where shall we look for one without? It would be an improvement in the affairs of society, probably, if the hereditary legal descent could be avoided; and this experiment the Americans have tried. But in this case a nobility must and will exist, though without the name, as really as in countries where it is hereditary; for the people, by their elections, will continue the government generally in the same families from generation to generation. Descent from certain parents, and inheritance of certain houses, lands, and other visible objects, will eternally have such an influence over the affections and imaginations of the people, as no arts or institutions of policy will control. Time will come, if it is now or ever was otherwise, that these circumstances will have more influence over great numbers of minds than any consideration of virtues or talents; and what-

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ever influences numbers is of great moment in popular governments, and in all elections.

"They always bear a natural and implacable hate towards the people."

This is too strong and universal. The Romans observed certain families, as the Valerii, &c., who were constant friends and lovers of the people, as well as others, the Claudii, &c., who as constantly hated them. It has been before admitted, that such a body naturally encroaches both ways, on the people on one side, and on the king on the other. The people hate and envy them as much, and endeavor equally to encroach. But the same sentiments, passions, and enterprises, take place between the democratical body and the aristocratical, where the last is not hereditary, but annually elective.

Our author's next argument is still more grossly erroneous.

"If any great man arrive to so much power and confidence as to think of usurping, these are the first that will set him on, mingle interests with him, and become the prime instruments in heaving them up into the seat of tyranny."

It is true, that some few individuals of a nobility may join such a man in his conspiracy, in hopes of enjoying high stations and great emoluments under him; but such an usurpation was never set on foot by a body of nobility. It has ever been the people who have set up single despots in opposition to the body of the nobility; and it is the people who have furnished the men and money to support the standing army by which he is defended. If any one example of the contrary is to be found, it has escaped a diligent inquiry.

It is very unnecessary to produce "examples, to show that states have lost their liberties by permitting one or a few to be over great." Every monarchy, oligarchy, and aristocracy, is an instance and a proof of it. The very notion of a free people's losing their liberties, implies the setting up one or a few with too much power. This will be readily admitted; but it is contended that the people in a simple democracy, collectively or by representation, are necessarily the most addicted to setting up individuals with too much power. To say that it is their duty not to do it; that their happiness forbids it; that their interest is against it; that their liberty will be ruined by it, is to exhort and to preach, to be sure. The clergy exhort and preach in favor of

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religion and morality, and against profaneness and vice; but there are numbers,—multitudes, we find,—who will not regard them; and laws, checks, power, are the only security against these. The thirty tyrants of Athens, Pisistratus, Hiero of Syracuse, Dionysius, and Agathocles of Sicily, are very oddly introduced here, when every despotism, empire, monarchy, oligarchy, and aristocracy that ever had a being, is as much to the purpose. Mælius and Manlius are cited very improperly. The Decemviri, Sylla, Cæsar, are no more to the purpose than all tyrannies or absolute governments;—all of which are proofs of the people's indiscretion and constant disposition to set up idols, as much as they are of the danger of permitting individuals to be too powerful.

Florence and Cosmus, Milan and Switzerland, and Holland and the family of Orange, are all proofs against our author. There is not a stronger instance to be found than the house of Orange, which has been supported by the people, I mean the plebeians, against the aristocracy, and who in their course have sacrificed to their deified protectors, Barnevelt, Grotius, and De Witts, patriots that one need not scruple to compare to Aristides, Phocion, and Camillus; and, horrid as the sacrifice has been, one need not scruple to say, that all the liberty there has been in Holland for the common people, has been preserved by this alliance between the house of Orange and them, against the encroaching disposition of the aristocracy, as much as the liberties of Sparta were preserved by the oath of the kings and ephori. It would, nevertheless, be an infinite improvement, if the power of the prince and common people were defined, limited, and made constitutional and legal.

The author's principle is excellent and eternal, "to keep any man, though he have deserved never so well by success or service, from being too great or popular; it is" indeed "a notable means (and so esteemed by all free states) to keep and preserve a commonwealth from the rapes of usurpation." But the question between us still is, how it is to be done? In a simple aristocracy it is impossible; with all their pride, jealousy, and envy, some one, and some few of the nobles, obtain more influence than the rest, and would soon obtain all power, if ballots and rotations, and innumerable intricate contrivances were not used to prevent it. In a simple democracy no ballots or rota-

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tions can prevent it; one single tyrant will rule the whole commonwealth at his pleasure, respecting forms and appearances a little at first, but presently throwing off all restraint. How can you prevent a man in such a government from being too popular? There can be nothing to prevent him from making himself as popular as his abilities, fortune, or birth, will enable him to be; nothing to prevent him from employing the whole executive and judicial power, nothing to prevent him from applying the public purse, to the augmentation of his own popularity and power. In short, nothing but the mixture we contend for can prevent it. The king and lords are interested to prevent any commoner from being too popular and powerful; the king and commons are interested to keep any lord from being too popular and powerful; and the lords and commons are interested to prevent the king from being too popular and powerful, and they always have the means. There is not a stronger argument against our author's form, nor in favor of the triple composition.

The fourteenth and last reason is, "because in this form all powers are accountable for misdemeanors in government, in regard of the nimble returns and periods of the people's election; by which means he that erewhile was a governor, being reduced to the condition of a subject, lies open to the force of the laws, and may with ease be brought to punishment for his offence."

In a free government, whose legislature consists of three independent branches, one of which has the whole executive, this is true. Every member of the two houses is as amenable to the laws as his poorest fellow-citizen. The king can do nothing but by ministers, who are accountable for every act they do or advise; and this responsibility is efficacious to protect the laws from being trampled on by any person or persons, however exalted in office, reputation, or popularity. But in our author's "Right Constitution," no member can be responsible to any but his constituents; and by means of the influence of the executive power and the offices it bestows, by means of perversions of the judicial power, and even of the public treasure, which his party will assist him in applying to his purpose, he will be able to procure a pardon among his constituents in a single city or borough, and a reëlection; nay, he will be able to procure applause and rewards for that very criminal conduct which deserved punish-

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ment. There is no form of government, not even an absolute monarchy, where a minister will find it so easy to elude inquiry; recollect the instance in Poland.

"He that was once a governor, will generally continue always a governor, because he will apply all the executive and judicial authority, and even the public money, as well as his personal and family influence, to increase that party in the legislature;" that is, the single assembly upon whose support he depends.

By a governor here is no doubt intended a person appointed by the assembly to manage the executive power. Such a governor will generally be continued; but if he is not, he will be succeeded by another of the same party, who will screen and support him, while he again takes his station in the house, and supports or rules his successor. But if opposition prevails in the house and nation, and the minority becomes the majority, they will be so weak as not to dare to look back and punish; and if they do, this will again render them unpopular, and restore the reins to their antagonist. In this way, after a few vibrations of the pendulum, they must have recourse to arms to decide the contest. These consequences are so obvious and indisputable, that it is amazing to read the triumphant assertions which follow: "Such a course as this cuts the very throat of tyranny, and doth not only root it up when at full growth, but crusheth the cockatrice in the egg, destroys in the seed, in the principle, and in the very possibilities of its being, forever after. The safety of the people is," indeed, "the sovereign and supreme law!" and if "laws are dispensed by uncontrollable, unaccountable persons in power," they will "never be interpreted but in their own sense, nor executed but after their own wills and pleasure."

But it is unaccountable that our author did not see that it is precisely in his Right Constitution of a Commonwealth that we are to expect such uncontrollable and unaccountable persons, at least as certainly as in a simple monarchy or aristocracy. The only "establishment" then, in which we may depend upon the responsibility of men in power, and upon their being actually called to account and punished when they deserve it, is the tripartite balance, the political trinity in unity, trinity of legislative, and unity of executive power, which in politics is no mystery. This alone is "the impregnable bulwark of the people's safety, because without it no certain benefit can be obtained by the

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ordinary laws." This alone is the "bank against inundations of arbitrary power and tyranny."

Our author asserts, very truly, "that all standing powers" (meaning unlimited, unbalanced, standing powers, as hereditary simple monarchies and aristocracies,) "have, and ever do assume unto themselves an arbitrary exercise of their own dictates at pleasure, and make it their only interest to settle themselves in an unaccountable state of dominion; so that, though they commit all the injustice in the world, their custom hath been still to persuade men, partly by strong pretence of argument, and partly by force, that they may do what they list; and that they are not bound to give an account of their actions to any but to God himself." This is perfectly true, and very important. But our author did not consider, that the leading men in a single popular assembly will make it their interest to settle themselves in a state of dominion; that they will persuade men, by strong pretence of argument, by force, by the temptations of offices, civil, military, fiscal, and ecclesiastical, and by the allurements and terrors of judgments in the executive courts of justice, to connive at them, while they do what they list, and to believe them God's vicegerents. Our author forgets, that he who makes bishops and judges, may have what gospel and law he pleases; and he who makes admirals and generals, may command their fleets and armies. He forgets that one overgrown sagamore in the house, with his circle of subordinate chieftains, each with his clan at his heels, will make bishops, judges, admirals, generals, governors of provinces, &c. in as great number, and with as much facility, as an absolute monarch. This inadvertence in our author is the more remarkable for what follows.

"This doctrine of tyranny hath taken the deeper root in men's minds, because the greatest part" (that is, the greatest part of mankind) "was ever inclined to adore the golden idol of tyranny in every form; by which means, the rabble of mankind being prejudicated in this particular, and having placed their corrupt humor or interest in base fawning and the favor of the present great ones, therefore, if any resolute spirit happen to broach and maintain true principles of freedom, or do at any time arise to so much courage as to perform a noble act of justice, in calling tyrants to an account, presently he draws all the enmity and fury of the world about him."

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It is really astonishing that any man could write these words, and not see that they totally overthrow the whole system of government that he calls the Right Constitution of a Commonwealth. "The greatest part of men was ever inclined to adore the golden idol;" yet his constitution places the golden idol in the midst of the people, without any check or restraint, that they may fall down and worship, as soon as they will. He places all power in the hands of that very "rabble of mankind," who have "prejudicated in favor of tyranny;" he places "great ones" in the midst of these, who "have placed their corrupt humor and interest in base fawning, and the favor of those present great ones." Human nature is not honored by this account of it, nor has it justice done it. Without supposing the majority so bad, if we suppose one third or one quarter of this character, and another third or quarter indifferent, neutral, lukewarm, or even enough in love with private life and their own industry to stay at home at elections, this is enough to demonstrate the tyranny and ruin to which such a simple democracy would rush.

But our author's device for extricating himself out of this difficulty is more curious still. Although the greatest part of men always incline to worship the golden calf Tyranny, yet "in commonwealths it is, and ought to be, otherwise." The Greeks and Romans "were wont to heap all the honors they could invent, by public rewards, consecration of statues, and crowns of laurel, upon such worthy patriots" as had the courage to call tyrants to account. Here he can only mean the stories of Harmodius and Aristogiton, Brutus and Cassius; so that all the security which freedom is to have is, that as soon as a great one arises in his assembly, and the majority begin to fawn, some Harmodius or Cassius will arise to assassinate him. But we know that the murder of Hipparchus only inflamed Hippias, and that of Cæsar entailed the empire in his family, and the murder of Alexander, by Lorenzo, completed the despotism of the Medici. The ill success of liberty, in those instances, ought to be a warning against such attempts in future, rather than precedents on which to build all the hopes of the cause of liberty.

The right of a nation to kill a tyrant, in cases of necessity, can no more be doubted, than that to hang a robber, or kill a flea. But killing one tyrant only makes way for a worse, unless the people have sense, spirit, and honesty enough to establish

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and support a constitution guarded at all points against tyranny; against the tyranny of the one, the few, and the many. Let it be the study, therefore, of lawgivers and philosophers, to enlighten the people's understandings and improve their morals, by good and general education; to enable them to comprehend the scheme of government, and to know upon what points their liberties depend; to dissipate those vulgar prejudices and popular superstitions that oppose themselves to good government; and to teach them that obedience to the laws is as indispensable in them as in lords and kings.

Our author contends, that the honors decreed to tyrannicides, by the Greeks and Romans, were bestowed "out of a noble sense of commonweal interest; knowing that the life of liberty consists in a strict hand and zeal against tyrants and tyranny." But he should have recollected, that in Rome these honors were decreed to senators, for supporting the standing authority of a hereditary senate against single men who aspired to popular favor, but never in any instance in support of such a government as he contends for. In Greece, too, there is no instance of any honors decreed for destroying tyrants in defence of any such government. The government of Athens was as different as possible from that of a single assembly of successive representatives of the people. It is agreed that "persons in power cannot be kept from all occasions of tyranny better than by leaving them liable to account;" but it is denied that persons in power can ever be brought to account, unless by assassination, (which is no account at all,) in a government by a single sovereign assembly. And it is asserted, that this "happiness was never seen yet under the sun, by any law or custom established, save only in those states where all men are brought to taste of subjection as well as rule," ἄρχειν καὶ ἄρχεσθαι, by a government of three branches, reciprocally dependent on each other.

"In Switzerland the people are free indeed, because all officers and governors in the cantons are questionable by the people in their successive assemblies."

What does he mean? in the aristocratical assemblies? The people have no assemblies, and officers are called to account only in standing councils. In the democratical cantons, there is nothing to account for but milk and cheese. But why should England be forgotten, where all officers are questionable, and

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often have been questioned, by the people in their successive assemblies; and where the judicature in parliament is digested with infinitely more prudence than in any canton in Switzerland, or any other republic in the world?

It is agreed that "freedom is to be preserved no other way in a commonwealth, but by keeping officers and governors in an accountable state;" but it is insisted, that all "standing powers" in the English constitution, as the lords and ministers, who conduct the prerogative of the crown, may at any time be called to account without the least "difficulty, or involving the nation in blood and misery." But it is denied that powerful men, in our author's "Right Constitution," can be called to account, without the utmost difficulty and danger of involving the nation in blood and misery; and, therefore, it is concluded, that the English constitution is infinitely preferable to any succession of the single supreme assemblies of the representatives of the people.

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CHAPTER SECOND.

MARCHAMONT NEDHAM.

OBJECTIONS ANSWERED.

Our author having established his building upon fourteen solid pillars, as he seems to think, proceeds to answer objections.

The first objection is, "that such a government would set on levelling and confusion." By levelling, he understands "levelling all men in point of estates;" "making all things common to all;" "destroying propriety;" "introducing a community of enjoyments among men." This he allows to be an odious thing, "a scandal fastened by the cunning of the common enemy upon this kind of government, which they hate above all others."

We are not then put to the trouble of examining the whimsies of Plato or Xenophon, about a community of goods, wives, and children; nor those of Sir Thomas More, about a community of property only. He asserts that his project is, "so far from introducing a community, that it is the only preservative of propriety in every particular." It is agreed that it would not introduce levelling, nor a community of goods, unless the poor should be more numerous than the rich, and rise for a division. But even this would produce but a temporary level; the new acquisitions would soon be spent, and the inequality become as great as ever; and there must be a perpetual succession of divisions and squanderings, until property became too precarious to be sought, and universal idleness and famine would end it. But the pennniless, though more numerous, would probably never unite; and the principals of the majority would make use of the most artful among them, in stripping, by degrees, the minority, and accumulating for themselves. So that, instead of levelling and community of goods, the inequalities both of power and property would be constantly increasing, until they became as great as in Poland, between the gentlemen and peasants.

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But it is denied that this would be a preservative of property; on the contrary, property must become insecure. The ruling party, disposing of all offices, and annexing what salaries and fees they will; laying on all taxes, and distributing them according to their ideas of justice and equality; appropriating the public money to what uses they will; and deciding all causes in the courts of justice by their own judgments; in all these ways, themselves and their partisans will be found continually growing in wealth, and their antagonists, the minor party, growing poorer. These last can have no security of property at all.

This will not be prevented nor alleviated by those handsome words of our author: "It is not in reason to be imagined, that so choice a body as the representatives of a nation should agree to destroy one another in their several rights and interests." A majority would be found to agree to destroy the rights and interests of the minority; and a man's property is equally insecure, whether it is plundered by an arbitrary, lawless minority, or by a domineering decemvirate, triumvirate, or single despot.

"All determinations being carried by common consent, every man's particular interest must needs be fairly provided for against the arbitrary disposition of others."

If common consent means unanimous consent, there might be some plausibility in this. But, as unanimity is impossible, and common consent means the vote of the majority, it is self-evident that the few are at the mercy of the many; and the government of the latter being unbalanced by any equal force, interest, passion, or power, is as real a tyranny as the sovereignty of a hereditary senate, or thirty tyrants, or a single despot. Our author himself confesses this in so many words, when he says, that whatever "placeth every man's right under the will of another is no less than tyranny;" "seating itself in an unlimited, uncontrollable prerogative over others, without their consent," and "is the very bane of property." Are not the property, liberty, and life of every man in the minority under the will of the majority? and may not the majority seat themselves in an unlimited, uncontrollable prerogative over the minority, without their consent?

Our author then runs all over the world in search of examples, and affirms that "a free state, or successive government of the people," &c., expressions which he always explains to mean his

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Right Constitution of a Commonwealth, "or supreme representative assembly," the same with M. Turgot's all authority collected into one centre, the nation, "is the only preservative of property, as appears by instances all the world over." This is a species of sophistry, grossly calculated to deceive the most ignorant of the people, that is unworthy of so great and good a cause as that of liberty and republican government. This assertion is so wide from the truth, that there was not in the world, nor had been, one example of such a government, excepting the Long Parliament; for the Italian republics, which resembled it the most, were still better constituted. We know what became of the Long Parliament; Oliver soon found they were self-seekers, and turned them out of the house.

The reader is next led on, through a series of examples, in a very curious strain of popular rant, to show that monarchies, and all standing powers, have been levellers.

"Under monarchs, subjects had nothing that they could call their own; neither lives, nor fortunes, nor wives, nor any thing else that the monarch pleased to command; because the poor people knew no remedy against the levelling will of an unbounded sovereignty." "In France," it is asserted, "the people have nothing of propriety, but all depends upon the royal pleasure, as it did of late here in England."

The truth now almost breaks out, and he almost confesses that he sees it.

"It is very observable, that in kingdoms where the people have enjoyed any thing of liberty and propriety, they have been such kingdoms only, where the frame of government hath been so well tempered, as that the best share of it hath been retained in the people's hands."

If he had said an equal share, instead of the best share, this sentence would have been perfect; but he spoils it in the next breath, by adding, "and by how much the greater influence the people have had therein, so much the more sure and certain they have been in the enjoyment of their propriety."

This is by no means true; on the contrary, wherever the people have had any share in the executive, or more than one third part of the legislative, they have always abused it, and rendered property insecure.

The Arragonians are quoted, as "firm in their liberties and

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properties, so long as they held their hold over their kings in their supreme assemblies. And no sooner had Philip II. deprived them of their share in the government, but themselves and their properties became a prey to the will and pleasure of their kings."

It is astonishing that Arragon should be quoted as an example of a government of the people in their supreme successive assemblies. If it is to be called a republic, it was such another as Poland; it was what is sometimes called a mixed monarchy, and sometimes a limited monarchy; but as no judgment of a government can be formed by the name that is given it, we may safely pronounce it an aristocracy. Much pains were taken to balance it, but so awkwardly and unskilfully, that its whole history is a scene of turbulence, anarchy, and civil war. The king was, among the twelve rich men, little more than *primus inter pares*, like the king among his twelve archons in Phæacia. Although the royal dignity was hereditary, and Arragon was never an elective kingdom, yet the confirmation of the states to the title of the next heir was held necessary; and it was highly resented if he assumed the royal title, or did any public act, before he had taken an oath to preserve the privileges of the states. When any dispute arose concerning the succession, the states took upon them to decide it.

One awkward attempt to balance the influence of the king, was the institution of a chief justice,* to whom appeals might be made from the king. This judicial authority was empowered to control the king if he acted illegally; and this high officer was accountable only to the states for whatever he did in the execution of his office. This was a very powerful check.

Another attempt to form a balance against the royal authority has been celebrated as one of the most sublime and sentimental institutions of liberty. If it had been an institution of the body of the people, it would have been the most manly and noble assertion of the rights and natural and moral equality of mankind to be found in history, and would have merited immortal praise; but, in fact and effect, it was no more than a brilliant expression of that aristocratical pride which we have seen to be so common in all the nations of the earth. At the

* El Justicia de Arragon.

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inauguration of the monarch, the chief justice was seated in his robes, on an elevated tribunal, with his head covered. The king appeared before him bareheaded, fell down upon his knees, and swore to govern according to law, and to maintain the privileges of the states. Proclamation was then made, in the name of the assembly of the states: "We, who are as good as you are, have accepted you for king and lord, upon condition that you observe our laws and protect our liberties."*

But who were these noble assertors of rights? Not the people. And whose liberties were asserted? Not those of the people, but of a few gentlemen. The men of property, who in general had acquired their estates by their swords, were called rich men, † or barons; for whatever titles were afterwards introduced by the grants of kings, the right to seats and votes in the states arose not from the rank or dignities of dukes, marquises, or counts, but was attached to the quality of landholders, rich men, or barons. There were not more than twelve old families who were the original barons, or *ricos hombres*, of Arragon. In a course of time, they were distinguished into the greater and lesser nobility; the former were such as were raised by the kings to superior titles; the latter were those who retained only their ancient character of landholders. The clergy were represented in the states by the prelates, and the great cities by deputies; but the farmers, the mechanics, the merchants, in one word the common people, were, according to the doctrine of Aristotle, not admitted to the rank or rights of citizens. They had no seat in the states, nor any vote in the choice of those who had. The third estate, as it was called, or the representatives of cities, was very unskilfully composed. In some cities, the mayor of course represented the city; in others, the king appointed the representative; in others, it was either by some grant of the king, or some senseless custom of the city, a hereditary right in a single family; and the best appointments of all were made by the aristocratical regencies of the cities. In such an assembly of the states, laws were made for the government of the nation; but it was a single assembly, and neither estate had a negative. If two estates agreed, it was a law; and, indeed, the most important questions, even donations

* Nos que valemos tanto como vos os hazemos nuestro rey y segnor con tal que guardeis nuestros fueros y libertades, si no, no.

† Los ricos hombres.

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of money, were decided by a majority, and the chief justice was the only balance against the oppression of any subject, or even of the king, and the only guardian of the laws, to see them carried into execution. The rich men and the clergy, as well as the king, were such standing powers as always excite our author's invectives; and the third estate was as distant as possible from being an adequate and equitable representative of the people, annually elected. The clergy became generally humble servants of the king, and the deputies of cities were often corrupted; so that the contest was chiefly between the crown and the nobles. In progress of time, by gaining over more and more the prelates and deputies of the cities to the interest of the crown, it became an overmatch for the nobility, and made itself absolute. This example, therefore, is as ill chosen as all the others, and instead of supporting our author's argument, is decisive against it.

France is the next example, where, "as long as the people's interest bore sway in their supreme assemblies, they could call their lives and fortunes their own, and no longer. For all that have succeeded since Louis XI. followed his levelling pattern so far, that in a short time they destroyed the people's property, and became the greatest levellers in Christendom."

It would take up too much time to give in this place a sketch of the history of France, to show in detail how inapplicable this example is to the purpose of our author. Those who have leisure and curiosity, may consult Boulainvilliers, the Abbé de Mably, and Monsieur Moreau; and many most beautiful reflections may be found in Lord Bolingbroke's Dissertation on Parties.* It is sufficient here to say, that the states-general were composed of nobles, clergy, and a third estate, all meeting in one assembly; that the third estate consisted of representatives of cities not chosen by the people, but appointed at least by the aristocratical regencies; that in some places the mayor, in others some particular family, held it as a hereditary right. But nothing can be conceived more unlike our author's idea of the people's successive sovereign assemblies than these states-general. The constitution in those times was an unskilful attempt to reconcile an ill-compounded aristocracy with simple monarchy; but the states-general conducted themselves like all other single assemblies, till they were laid aside.

* *Letters*, 13 – 16.

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England comes next, where, "as long as the people's interest was preserved by frequent and successive parliaments, so long we were in some measure secure of our properties; but as kings began to worm the people out of their share in government, by discontinuing of parliaments, so they carried on their levelling design to the destroying of our properties; and the oracles of law and gospel at last spoke it out with a good levelling grace, 'that all was the king's, and that we had nothing we might call our own.'"

There is at least wit and burlesque humor in thus ascribing levelism to monarchy; and while it is considered only as rodomontade, there is no objection to it. Nor is there any thing to say against confounding levelism with insecurity of property; for though the ideas are distinct, the things must always exist together.

From monarchy he proceeds to other standing powers, which have all produced arrant levellers.

"In Athens, as long as the people kept free indeed, in an enjoyment of their successive assemblies, so long they were secure in their properties."

But Athens never was free, according to our author's plan of successive assemblies. Athens never had assemblies of representatives. The collective assemblies of the people were made sovereigns, in all cases whatsoever, by Solon. But they never practised it till Aristides began and Pericles completed the plan; and as soon as it existed, it began to render property, liberty, and life insecure. Yet the ordinary administration was never conducted in these assemblies; the senate and the Areopagus and the ten other courts conducted them. Yet with all these checks, ask Demosthenes and Phocion, and Miltiades and Aristides, how the sovereign people behaved.

"After kings were laid aside, they erected another form of standing power in a single person, called a governor (*archon*), for life, who was accountable for misdemeanors. But yet a trial being made of nine of them, the people saw so little security by them, that they pitched upon another standing form of decimal government; and being oppressed by them too, they were cashiered. The like miseries they tasted under the standing power of thirty, which were a sort of levellers more rank than all the rest; who put to death, banished, pill'd, and poll'd whom they

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pleased, without cause or exception; so that the poor people, having been tormented under all the forms of standing power, were in the end forced (as their last remedy) to take sanctuary, under the form of a free state, in their successive assemblies."

It is droll enough thus to turn the strain of popular banter upon the royalists, by charging kings, perpetual archons, annual archons, the ten archons, the thirty tyrants, &c., as levellers. It was the levelling spirit of the nobles, to be sure, that abolished kings and single archons and set up ten. But the poor people had no hand in it, but as passive instruments. As to the people's taking sanctuary under the form of a free state, in their successive assemblies, they never did it. They never set up any such government. They did assume the sovereignty, it is true; but Pericles led them to it, only that he might govern them, and he, and successive, unprincipled wretches after him, did govern till the commonwealth was ruined. But there was as much levelling at least, indeed much more, under Themistocles, Pericles, and Alcibiades, as under kings or archons.

Our author's conscience was always uppermost. He always betrays something which shows that he knew very well what the truth was. He judges very rightly here.

"And though it may be objected," says he, "that afterwards they fell into many divisions and miseries, even in that form, yet whoever observes the story shall find, it was not the fault of the government, but of themselves, in swerving from the rules of a free state, by permitting the continuance of power in particular hands; who having an opportunity thereby to create parties of their own among the people, did for their own ends inveigle, engage, and entangle them in popular tumults and divisions. This was the true reason of their miscarriages; and, if ever any government of the people did miscarry, it was upon that account."

It is plain, from this passage, that our author was well read, and judged very well upon these subjects. He knew how it was; but he has not candidly told us what he knew. That they fell into divisions and miseries he owns; but denies that it was the fault of the government — it was the fault of themselves. Is it not the fault of themselves under all governments, despotisms, monarchies, aristocracies, oligarchies, as well as democracies? Was it not the fault of themselves under their kings, their perpe-

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tual archons, their archons for life, their ten archons, as well as under the Pisistratidæ, that they were tormented with divisions and miseries? The law of nature would be sufficient for the government of men, if they would consult their reason, and obey their consciences. It is not the fault of the law of nature, but of themselves, that it is not obeyed; it is not the fault of the law of nature that men are obliged to have recourse to civil government at all, but of themselves; it is not the fault of the ten commandments, but of themselves, that Jews or Christians are ever known to steal, murder, covet, or blaspheme. But the legislator who should say the law of nature is enough, if you do not obey it, it will be your own fault, therefore no other government is necessary, would be thought to trifle.

We certainly know, from the known constitution of the human mind and heart and from uniform experience, that the law of nature, the decalogue, and all the civil laws, will be violated, if men's passions are not restrained; and, therefore, to presume that an unmixed democratical government will preserve the laws, is as mad as to presume that a king or senate will do it. If a king or senate do not observe the laws, we may say it is not the fault of the government, but of themselves. What then? We know that themselves will commit the fault, and so will a simple democracy, and, therefore, it is in all these cases the fault of the government as well as of themselves. The government should be so constituted, that themselves cannot commit the fault. Swerving from rules is no more the fault of standing kings and senates, than it is of standing or successive popular assemblies. Of the three, the last have the strongest disposition to swerve, and always do swerve the soonest when unbalanced. But the fault of permitting the continuance of power in particular hands, is incurable in the people, when they have the power. The people think you a fool, when you advise them to reject the man you acknowledge to be the ablest, wisest, and best, and whom you and they know they love best, and appoint another, who is but second in their confidence. They ever did, and ever will continue him, nay, and augment his power; for their love of him, like all their other passions, never stands still; it constantly grows, until it exceeds all bounds. These continual reëlections, this continuance of power in particular men, gives them "an opportunity to create parties of their own among the people, and for their own

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ends to inveigle, engage, and entangle them in popular tumults and divisions."

Let me now ask Marchamont Nedham, or any advocate for his system: Do you believe that the people, unbalanced, ever will avoid to confer a continuance of power on their favorites? Do you believe they ever did in any age or country? The answer must be in the negative. Do you believe it possible, from the constitution of human nature, that they ever will, any more than that they will universally obey the law of nature and the ten commandments? The answer must be in the negative. Why then is the world any longer amused with a speculative phantom, that all enlightened men know never did, and never can exist? My hand is impatient of the pen, and longs to throw it down, while I am laboring through a series of popular sophisms, which disgraces a work that abounds with sense and learning, with excellent principles, maxims, and rules of government, miserably perverted to answer a present purpose, to run down one party, and support another.[1] But as this book is known in America, and ought to be perused by Englishmen, in whatever part of the globe, as a valuable monument of the early period in which the true principles of liberty began to be adopted and avowed in the nation, I shall pursue the subject to the end.

Lacedæmon is next introduced as an instance of levelism.

"After they had tried the government of one king, then of two, afterwards came in the Ephori, as supervisors of their kings. After they had tried themselves through all the forms of a standing power, and found them all to be levellers of the people's interest and property, then necessity taught them to seek shelter in *a free state, under which they lived happily*, till, by the error of the Athenians, they were drawn into parties by powerful persons, and so made the instruments of division among themselves, for the bringing of new *levellers* into play, such as were Machanidas and Nabis."

The Ephori were supervisors of the senate, rather than of kings. They swore, both for themselves and the people, to sup-

[1] The personal history of Nedham sufficiently proves that his work was written for no other reason. He was one of that numerous class of writers, bred in the contests of all free countries, who are ever ready to defend the strongest side for pay.

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port the kings forever against the enterprises of the senate. But when did the Lacedæmonians take shelter in a free state? Never, according to our author's definition of a free state, until the Ephori murdered the king, instead of supporting him, according to their oath, and until the people set up Machanidas and Nabis. And it is always thus. The first thing a people broke loose from all restraints of their power do, is to look out for a chief, whom they instantly make a despot in substance, and very soon in form. The government of Sparta was as different from a free state, during the six or seven centuries that Lycurgus's institution lasted, as the English constitution is, and much more. The people had not half the weight in it. Standing powers, both of king and senate, stood like Mount Atlas while the republic existed, and when the free state succeeded, it was the tyranny of Machanidas and Nabis, not better than that of Nero. It is droll enough to call the Spartans levellers, to be sure; they who supported a haughty aristocracy at home, and in every other city of Greece where they could negotiate. When the institution of Lycurgus was worn out, and the people began to gain in power, they used it as the Athenians and all others have done when unbalanced; they set up idols, continued and increased their power, were drawn into parties and divisions, and made themselves instruments of division, until despotism became inevitable.

Rome, in her turn, comes round.

"After the standing form of kings was extinct, and a new one established, the people found as little safety and property as ever."

Here the fact is truly stated, and the expressions are very just, "for the standing senate and the decemviri proved as great levellers as kings." It is burlesque again to call the senate and decemviri *levellers*. They were the very antithesis. But if by *levellers* he means arbitrary men, it is very true.

"So that they were forced to settle the government of the people by a due and orderly succession of their supreme assemblies."

I wonder when. To quote Athens, Sparta, and Rome, as examples of a government of one sovereign representative assembly, is dishonest; nothing can be further from the purpose. The standing power of the senate existed from Romulus to

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Cæsar, as our author very well knew, and the people never obtained even an effectual check. So far from settling the government of the people by a due and orderly succession of their supreme assemblies, if "they ever recovered their property, in having somewhat they might call their own," they owed the blessing to the senate's wisdom and equity; for the people were so far from being sovereign in their successive assemblies, that they had not an equal share of power with the senate, allowing for all the assistance they derived from the tribunes. But as soon as they began to arrogate a superior power, or even an equal share, they began to run into "the error of Lacedæmonians, Athenians," and all other people that ever lived; "swerving from the rules of a free state;" or, in other words, trampling on the laws, "lengthening of power in particular hands, they were drawn and divided into parties, to serve the lusts of such powerful men as by craft became their leaders; so that by this means, through their own default, they were deprived of their liberty long before the days of imperial tyranny. Thus Cinna, Sylla, Marius, and the rest of that succeeding gang, down to Cæsar, used the people's favor to obtain a continuation of power in their own hands; and then, having saddled the people with a new standing form of their own, they immediately rooted up the people's liberty and property by arbitrary sentences of death, proscriptions, fines, and confiscations; which strain of *levelling*, (more intolerable than the former) was maintained by the same arts of devilish policy down to Cæsar, who, striking in a favorite of the people, and, making use of their affections to lengthen power in his own hands, at length, by this error of the people, gained opportunity to introduce a new levelling form of standing power in himself, to an utter and irrecoverable ruin of the Roman liberty and property."

Thus it is that our author accumulates examples from history, which are demonstrations against his own system, and in favor of the English and American constitutions. A good Englishman, or a good American, with the most diligent search, could not find facts more precisely in vindication of those balances to the power of the people, a senate, and an executive first magistrate. Nothing else can ever prevent the people from running into the same error, and departing from the rules of a free state, and even the fundamental laws.

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Florence is again introduced to the same purpose, and with the same success; so is Pisa; so is Mantua, and its sons, Passerino and Gonzaga. We have already seen enough of these Italian republics to convince us that every page in their history is against our author's system. His conclusion is exactly the reverse of what it should be. It should be, that a commonwealth by the people in their successive assemblies, hath never, in any age, been a preservation of liberty or property, or any remedy against usurpations of standing powers, but had, in all ages, been, in his own sense, *levellers* of all things to the will of a standing despot.

The second objection is, "that such a form in the people's hands would cause confusion in government."

This objection seems to have been started by his own party, who were afraid of the influence of royalists; and the answer to it distinguishes two states of a commonwealth; one, while it is new after a revolution, when great numbers are disaffected. These he treats with great severity, and allows the danger of confusion from their intrigues; he therefore excludes them from voting, or being chosen, and justifies it by Greek and Roman examples.

The other is a quiet state, when all the people may, he thinks, be admitted to choose and be chosen without confusion. But as this whole objection and answer to it, relate to the time and circumstances in which he wrote, it is unnecessary to enlarge upon it; it is nevertheless amusing, or provoking, to observe with what facility he asserts the right of the majority to make *slaves* of the minority.

"Such as have commenced war, to serve the lusts of tyrants against the people's interest, should not be received any longer a part of the people, but may be handled as slaves when subdued, if their subduers please so to use them; because, by their treasons against the majesty of the people, they have made forfeiture of all their rights and privileges."

The majesty of the people is a very venerable, sublime, and affecting idea; but, in human theory, every government, despotism, monarchy, aristocracy, and every mixture, is created by the people, continued by their sovereign will, and represents their majesty, their august body. Resistance, therefore, to a despotism, or simple monarchy or aristocracy, or a mixed government,

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is as really treason against the majesty of the people, as when attempted against a simple or representative democracy; since the right of the people to confide their authority and majesty to one man, or a few men, can no more be doubted than to a larger number. In the divine theory, upon which most of the governments of Europe still rest, it is not only treason, but impiety and blasphemy, to resist any government whatever. If the sovereignty of a nation is a divine right, there is an end of all the rights of mankind at once; and resistance to the sovereignty, wherever placed, is rebellion against God.

It is worth while to observe also a contradiction to what our author had advanced in the former part of his work. "The old commonwealth of Greece," he says here, "were wont to heap up all honors they could vent, upon such as did or suffered any thing for the maintenance of their liberty." Under a former head he represented it as a commendable custom of commonwealths to make their service a burden.

The third objection is, "that the management of state affairs requires judgment and experience, which is not to be expected from new members coming into those assemblies upon every election."

The answer to this objection is of great importance, because it in effect, though not in words, gives up his whole argument in favor of a single sovereign assembly. He distinguishes between *acta imperii* and *arcana imperii*, acts of state and secrets of state. By acts of state he means the laws and ordinances of the legislative power; things that have most influence upon a commonwealth, as to its ill or well being; and the only remedies for such bad customs, inconveniences, and encroachments as afflict and grieve it. Matters of grievance being matters of common sense, and such as are obvious to the people, who best know where the shoe pinches them, there is no need of any great skill or judgment in passing or applying a law for remedy.

"But as to secrets of state, or the executive part of government, during the intervals of their supreme assemblies;—these things being of a nature remote from ordinary apprehensions, and such as necessarily require prudence, time, and experience, to fit men for management, much in reason may be said, and must be granted, *for the continuation of such trusts* in the same hands, as relate to matter of council or administration of justice,

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more or less, according to their good or ill behavior. A prudential continuation of these may, (without question,) and ought to be, allowed upon discretion; because if they do amiss, they are easily accountable to the people's assemblies."

Here our author's plan begins to develop itself. Hitherto we had heard nothing but of successive sovereign assemblies of the people's representatives. Now, indeed, we learn that this assembly is to appoint judges, generals, and admirals, and a standing committee perhaps for the treasury, the admiralty, the customs, excise, and foreign affairs. Whether these judges and committees and commanders are to be members of the sovereign assembly, or whether their appointments are to vacate their seats, is not ascertained; but in either case it is obvious they will be the friends and confidants of the prevailing party in the house. They will be persons on whose friendship the major party in the assembly can rely to promote their views, by advancing their friends among their constituents, in order to procure a new election, or, in other words, a *standing power*, a thing which our author dreads so much in the representative assembly; and thus the whole executive and judicial power and all the public treasure is at once applied to corrupt the legislature and its electors.

And what is it "to be accountable to the people's assemblies?" It is to be afraid to offend the strongest party in the house, by bestowing an office or deciding a cause, civil or criminal, against their inclinations. James's boast comes in very pertinently here. The leaders in the house having the appointment, the impeachment, censure, condemnation, reward, and pay of all the bishops, judges, and commanders in their power, they will have what law, gospel, war, peace, and negotiation they please. Corruption is let in in such a torrent, as the virtue of no people that ever lived, or will live, is able to resist, even for a few years. The gangrene spreads immediately through the whole body.

Our author proceeds to his ordinary routine of examples.

"Athens upheld constant returns and periods of succession in their supreme assemblies for remedy of grievances; and they had a standing council, called the Areopagus, to whom all the secrets of state were committed, together with the administration of government during the intervals of those assemblies, at whose return they were accountable, and warily continued or excluded, as the people found cause."

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But our author nowhere recollects the checks to the popular government of Athens, which, however, was never at any one moment so popular as his project. He nowhere recollects, that there were ten slaves to one citizen; that the education of the citizens, therefore, was superior to that which is possible in any nation that has not slaves. He nowhere recollects, that the whole of religion was saved in the hands of the nobly born, which gave a few families such an influence as no part of Christendom now affords an example of, not even in Catholic countries. He nowhere recollects, that the whole people were divided into ranks, and all magistrates taken out of the higher ranks. He nowhere recollects the senate of one hundred, and afterwards of five hundred, appointed by lot, which formed the council of state, which had the constant charge of political affairs, and particularly the preparation of business for the assembly of the people. He nowhere pays a sufficient attention to the court of Areopagus and its important powers, and the persons of whom it was composed. All the archons out of office were members for life. He nowhere recollects that a single representative assembly, being necessarily few, are more liable to corruption than even a collective assembly, who are many. He nowhere recollects that Solon's institution was at last ruined by allowing to the fourth class of citizens an equal vote in the assembly of the people; a terrible warning against all such projects of government. These important checks, which gave such vast weight to the aristocratical part of the community in the government of Athens, have no equivalent in our author's plan.

In Sparta and Rome, says our author, they had the like. But it is really shocking to read these affirmations so entirely without foundation. The governments of Sparta and Rome were governments as different and as opposite to our author's "right form" as can be imagined; and the moment they obtained the least resemblance of it, all authority was seen in one centre, in Nabis and Cæsar. Florence too was after the same mode, and Holland and Switzerland. In Holland the people never had the election of any regular assemblies; and they never speak but by petition, or in bodies unknown to any written constitution; I mean mobs. A more unlucky example could not have been thought of. Their regencies, too, are for life in general, and fill up their own vacancies. In all the aristocratical cantons of Switzerland, the same.

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How far some of the smallest democratical cantons in any particular resemble our author's notions, may be seen in the former volume; no sufficient justification of them will be found there. But if a parallel could, in states so small and poor, be found, it would be no precedent for nations, large, opulent, and powerful, full of great objects of ambition, and constantly exposed to the hostile envy and resentment of great and dangerous neighbors.

The fourth objection is, "that such a government brings great damage to the public, by their frequent discontents, divisions, and tumults."

In answer to this, he considers several cases: — 1. When any citizens arrogate privileges to themselves or their families, beyond the ordinary standard of the people, then discontents, divisions, and tumults arise. In Rome, the senate retaining the power of the old government in the hands of themselves and their families, upon the expulsion of the Tarquins, occasioned the subsequent discontents and tumults. "Had Brutus made them free when he declared them so, or had the senate followed the advice and example of Publicola, all occasion of discontent had been taken away."

2. "When the people felt themselves not fairly dealt withal" by their leaders and generals. In Syracuse, Dionysius being made general, under pretence of defending the people's liberties, and then using his power to other purposes, became the firebrand of the state, and put the people all into flames for his expulsion.

"In Sparta, the people were peaceable until they found themselves overreached, and their credulity abused, for converting liberty into tyranny under Machanidas and Nabis. In old Rome, under the people's government, it was a sad sight to see the people swarming in tumults, their shops shut up, all trade given over, and the city forsaken, as also in Athens; the occasion was the same; for though the people naturally love ease and peace, yet finding themselves outwitted by slights, and abused by feats of the senate, they grew out of all patience. When any one of their senators or of themselves arrived to any height of power, by insinuating into the people's favor upon specious and popular pretences, and then made a forfeiture of those pretences, as Sylla and Marius, they were the causes of those tumults and slaughters among the Romans, the infamy whereof has been cast most injuriously upon the people's government by the profane pens

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of court pensioners. Cæsar, too, was the cause of all those civil broils and tragedies among the people."

An impartial writer would have brought every one of these examples in proof of the direct contrary; for they all show, that in proportion as the people gained an authority uncontrolled, or more than a balance for the senate, they grew more discontented, divided, and tumultuous, the more inclined to stir up factious leaders, as Pericles, Alcibiades, Cleon, the Gracchi, Marius, Sylla, and Catiline and Cæsar. The people were certainly peaceable under the kings, though the archons and nobles were not. The people were peaceable under the Grecian archons and Roman senate, so peaceable as to bear extreme oppression; but their turbulence began with their aspiring at power, and increased as it grew, and grew intolerable the moment they obtained the exercise of that authority which our author contends they ought always to exercise. These examples, therefore, all show the necessity of a balance to the people's exercise of power in a mixed government.

3. The people are tumultuous when sensible of oppression, although naturally of a peaceable temper, minding nothing but a free enjoyment; but if circumvented, misled, or squeezed by such as they have trusted, they swell like the sea, overrun the bounds of justice and honesty, ruining all before them; but unhappily they very often mistake and swell against the most honest and faithful men, and insist upon being misled by the most artful and knavish. A great majority of the people, and those as honest as any, are too fond of ease and peace to trouble themselves with public affairs, which leaves an opportunity to the profligate and dissolute to have more influence than they ought, to set up such idols as will flatter and seduce them, by gifts, by offices, and by partiality in judgments; which shows, that although they are very competent to the choice of one branch of the legislative, they are altogether incapable of well managing the executive power. It is really unaccountable, but by that party spirit which destroys the understanding as well as the heart, that our author should conclude, "there is not one precedent of tumults or sedition, which can be cited out of all stories, where the people were in fault." It was even their fault to be drawn in or provoked; it was their fault to set up idols, whose craft or injustice, and whose fair pretences

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had designs upon the public liberty. They ought to know that such pretenders will always arise, and that they never are to be trusted uncontrolled.

But he seems to be aware that all this would not be quite satisfactory. In order to extenuate the evil, he admits, for argument sake, that the people were tumultuous in their own nature; and he ought to have admitted, from regard to truth, that without laws, government, and force to restrain them, they really are so.

"Tumults, when they happen, are more easily to be borne than those inconveniences that arise from the tyranny of monarchs and great ones."

It is a great question, whether anarchy or tyranny be the greater evil? No man who reads the third book of Thucydides, or Plato's description of a democratical city, or who considers the nature of mankind, will hesitate to say that anarchy, while it lasts, is a greater evil than simple monarchy, even exercised by tyrants. But as anarchy can never last long, and tyranny may be perpetual, no man who loves his country, and is willing to submit to a present evil for a future public good, would hesitate to prefer anarchy, provided there was any hope that the fair order of liberty and a free constitution would arise out of it. A chance of this would be preferred by a patriot to the certainty in the other case. Some men too would prefer anarchy, conscious of more address with the people than with a monarch. But if anarchy and tyranny were to be alike permanent and durable, the generality of mankind would and ought to prefer tyranny; at least monarchy, upon the principle that a thousand tyrants are worse than one.

But our author extenuates the evils of tumults:—

1. "The injury of them never extends further than some few persons, and those for the most part guilty enough, as the thirty grandees in Athens, the ten in Rome, &c." Such tumults, however, have often proceeded to greater lengths, and have had innocent and excellent men for their objects. Examples enough have been cited from Greece and Italy, as well as Holland.

2. "Tumults are not lasting. An eloquent oration of a grave man, as Menenius Agrippa, Virginius, or Cato, may pacify them." True sometimes, but much oftener the grave man will fall a sacrifice to their fury.

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3. "Tumults usually turn to the good of the public; the great are kept in awe, the spirits of the people kept warm with high thoughts of liberty." This has some weight in monarchies and aristocracies, where they may be quelled; but in simple democracy, where they cannot, they would be fatal.

4. "In Rome they obtained the law of the twelve tables, procured the tribunes and supreme assemblies and frequent confirmation of them." The supreme assemblies they obtained are very unluckily quoted, because these, having no control, destroyed the commonwealth.

All this "is far otherwise under the standing power of the great ones. They, in their counsels, projects, and designs, are fast and tenacious."

As this is an acknowledgment that the people are not fast and tenacious, that is, steady, it should seem an argument in favor of a standing senate, at least of some senate appointed from the persons of most experience, best education, most respectable families and considerable property, who may be supposed thoroughly to understand the constitution, to have the largest views, and be "fast and tenacious" of the maxims, customs, and laws of the nation, to temper the unsteadiness of the people, and even of their representatives.

"The evils under these forms are more remediless and universal." Not at all in mixed governments. They are, on the contrary, more easily "remedied," for the house of commons is the grand inquest of the nation.

"Those tumults and quarrels that arise among them, never end but in further oppression of the people." Quarrels among them have commonly given more weight to the people, and must always end in relieving the people, where the people have a full share.

Upon the whole, tumults arise in all governments; but they are certainly most remediless and certainly fatal in a simple democracy. Cheats and tricks of great men will as certainly take place in simple democracy as in simple aristocracy or monarchy, and will be less easily resisted or remedied; and, therefore, our author has not vindicated his project from the objection of its danger from tumults. A mixed government, of all others, is best calculated to prevent, to manage, and to remedy tumults, by doing justice to all men on all occasions, to

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the minority as well as majority; and by forcing all men, majority as well as minority, to be contented with it.

The fifth objection is, "that little security is to be had for the more wealthy and powerful sort of men, in regard of that liberty which the people assume to accuse or calumniate whom they please."

In answer to this, our author acknowledges that calumniation (by which he means ambitious slandering of men, by whisperings, reports, or false accusations) has been more or less in all forms of government, but affirms that it was never allowed or approved in his form of government; that it has been most in use under standing powers of great ones, who make it their grand engine to remove or ruin all who stand in their way, and have always instruments ready at hand; that it is marked out by Aristotle *inter flagitia dominationis.*

But the true and impartial answer is this, that all simple governments are addicted to this vice, and make use of it as an instrument to destroy their adversaries. In our author's "Right Constitution" it would be as prevalent as in any monarchy or aristocracy; and in each of the simple governments it is equally impossible to prevent, palliate, or remedy the evil. In a simple democracy it must be the worst of all upon the whole, because the whole nation must necessarily be slanderers. The majority calumniate of course for the same reason that unlimited monarchs and senates do, namely, — to support their power and annoy their enemies; and the minority are necessitated to slander in their turn in self-defence. The liberty of accusation, however, in every form of government, must in some degree be admitted; without it, neither will nor pleasure nor law can govern. In a simple democracy it would be unlimited; every body belonging to the majority would be informer and accuser, and always sure of supporting his accusation. The minority, therefore, in a simple democracy, are subjected to spies, informers, accusations, and slanders, without end and without redress.

In a mixed government, like the English and American, informers from private motives are justly odious; from public motives respected. Every crime, however high, may be prosecuted and punished. The grand inquest of the nation becomes accuser against those in high places; the grand inquest of the counties for ordinary offences. No crime can be concealed; no

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fictitious crime can be pretended or alleged. Calumny itself is punishable as an offence against the public, and the injured individual may obtain satisfaction. It is in such a government alone that calumny is or can be managed upon principles of public safety and private justice, neither of which can ever be generally regarded in any simple government, and most certainly least of all in our author's "Right Constitution," or authority in one centre.

For the proof of these observations any history would serve; but it will be sufficient to attend to those anecdotes quoted by our author.

In Rome "the ten grandees, and all that succeeded them in that domineering humor over the people, ever kept a retinue, well stocked with calumniators and informers (such as we call 'Knights of the Post') to snap those that in any wise appeared for the people's liberties. This was their constant trade, as it was afterwards also of their emperors. But while the people kept their power entire in the supreme assemblies, we read not of its being brought into any constant practice."

This continued chicanery, in holding out to the people of England an idea that the Romans were ever governed by his "Right Constitution," is really unpardonable; nothing can be more unfair. But to pass this over: Are the examples of Cassius, Mælius, Manlius, Coriolanus, the Gracchi, so soon forgot? The Scipios, indeed, he recollects. These calumnies were promoted by the senate, in some instances, it is true; but by the people, too, in all; at least the people were made the dupes and tools; which is sufficient to make the examples strong proofs against our author.

The same profligacy of a party spirit appears in his example of Athens. "By their lofty and unwary carriage, they stirred up the people's fear and jealousy so far, as to question and send divers of them into banishment; as Alcibiades, Themistocles, and others."

Why are Aristides, Miltiades, Socrates, and Phocion, forgotten? These would have been too grossly against him, and warnings too terrible against his paltry system.

"Whereas, if the rules of a free state had been punctually observed, by preserving a discreet revolution of powers, and an equability, or moderate state of particular persons, there had

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been no occasion of encroachment on one part, or of fear on the other."

That is to say, if the rules of a free state had been observed in a city where no such rule of a free state existed; and an equability and moderation maintained, of which there is no example in history, and which is totally impracticable; then there would have been no encroachment or fear; or, in other words, if all men had been wise and virtuous, and there had been no need of government at all, then there would have been no democratical tyranny, and, he might add, monarchical or aristocratical. It is burlesque to talk of a rule of a free state, which never was, and every man of common sense knows never can be, a rule of a free state. Our conclusion must be directly contrary to that of our author; namely, — the calumniation under his "Right Constitution" must be more frequent, intolerable, and remediless, than under any form of tyranny, whether monarchical or aristocratical. The English constitution furnishes rules, means, and judicatures, in their grand and petit juries, and in impeachments of the commons before the lords, so equitable and admirable, that it is very unaccountable that any man should think of preferring to it a simple democracy of a single representative assembly, where it is so obvious that every man's reputation, liberty, property, and life must be in constant danger of accusations by and before an omnipotent party.

"The liberty of accusation by the people before their supreme assemblies," cannot mean that the whole people should join in such accusation. This is impossible; every man then must have liberty to accuse whom he will. The house will consider who is the accuser and who the accused; and members in the house will consider how their parties are likely to be affected by the sentence, more than truth or justice. An accuser, who is useful to the majority, will rarely be punished, let his accusation be ever so false or malicious. One of the minority will never be heard, though his complaint be ever so true.

"The liberty of accusation is, indeed, a thing so essentially necessary for the preservation of a commonwealth, that there is no possibility of having persons kept accountable without it; and, by consequence, no security of life and estate, liberty and property. *Maxime interest reipublicæ libertatis ut libere possis civem aliquem accusare:* it most highly concerns the freedom of

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a commonwealth, that the people have liberty of accusing any persons whatsoever."

Thus far we agree, as well as in the opinion, that a great evil in governments simply monarchical or aristocratical, is the want of such liberty. But simple democracy has in it as great an evil in this respect; for the minority have too little liberty of accusation, in proportion as the majority have too much. It is therefore in a mixed government only where an equal liberty can be preserved to all, without being too great in any. It is agreed further to be a means, and the only means, of extinguishing jealousies and emulations, discontents and fury in the people, when they can bring to account their oppressors; and the instances of the Decemviri and Coriolanus are properly enough produced. The story from Florence too, of one who occasioned such calamities for want of this liberty of accusation, by which he might have been taken down; and the case of Soderini, who drove the people to call in the Spaniard to suppress him for want of such a power. To these examples there is no objection, nor to the doctrine they convey, namely, — that the liberty of accusation prevents the people very often from running in rage and despair to internal violence or foreign alliance, and in both cases to arms. But the conclusion upon the whole must be, that this objection stands in full force against our author's plan, and wholly unanswered. There is no security for the most wealthy and powerful sort of men among the minority; they will be constantly exposed to ruin by false accusations.

The sixth objection is, "that people by nature are factious, inconstant, and ungrateful." In answer to the charge of faction, he repeats his positions under the fourth reason; and his examples of Pompey and Cæsar; Guelph and Ghibelline in Italy; the families of Orleans and Burgundy in France; the Guises; York and Lancaster, &c., we must refer to our observations on the fourth reason.

Inconstancy he allows to be a characteristic of the people who are debauched and in a corrupted state of a commonwealth, when degenerated from its true principles, as in Athens, Rome, Florence.

"But yet in Rome you may see as pregnant instances of that people's constancy as of any sort of men whatsoever; for they continued constant, irreconcilable enemies to all tyranny in

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general, and kingly power in particular. In like manner, when they had once gotten their successive assemblies, they remained firm and stiff to uphold them. In making their elections, too, they could never be persuaded to choose a known infamous, vicious, or unworthy fellow, so that they seldom or never erred in the choice of their tribunes and other officers. But it has ever been otherwise under kings and all standing powers."

Here he must mean simple monarchies and aristocracies, because he distinguishes the case from Rome, which was a mixed government. "Standing powers usually ran into all the extremes of inconstancy upon every new project, petty humor, and occasion; shifted principles every moon; cashiered all oaths, protestations, promises, and engagements, and blotted out the memory of them with a wet finger;" he instances in Charles I.

If we speak impartially upon this head, we must say that all men are alike; that simple governments are equally inconstant, so far as they partake of the same human nature. Kings have been as inconstant as any men; so have simple senates. Simple democracies have never been tried; but, if we reason from their nature, we shall conclude that they are more inconstant than either, because the result depending on the majority of votes, the difficulty and impossibility of assembling equal numbers at all times, increases the chances of change and inconstancy. The ignorance of multitudes, who compose a part of the people, is another cause. So that if a difference must be allowed, it must be confessed that simple democracy is the least constant. But a mixed government produces and necessitates constancy in all its parts; the king must be constant to preserve his prerogatives; the senate must be constant to preserve their share; and the house theirs. Neither can go beyond its line, without being called back by the other. The legislative must be constant to preserve its rights, and the executive for the same end. The judicial too must be constant to the laws, which alone can screen it from the resentment and encroachment of one or other of the three branches in the legislature. It is to this universal vigilance and constancy, which such a constitution renders necessary and unavoidable, that the laws owe their perpetual superiority, and are able to make kings, nobles, and commoners, ministers of state and religion, and judges too, bow with reverence to its decisions. To this constancy, therefore, is due that delightful

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tranquillity of mind, arising from a sense of perfect security in the protection of known laws for the enjoyment of life, liberty, honor, reputation, and property.

"Ingratitude has been much charged upon this form. In Athens and Rome, unhandsome returns were made to some worthy persons that had done high services, — Alcibiades, Themistocles, Phocion, Miltiades, Camillus, Coriolanus, and both the Scipios, the cause of whose misfortunes is described by Plutarch and Livy, to be their own *lofty and unwary carriage*, which stirred up the people's fear and jealousy. The Scipios were most to be pitied, because the nobles, not the people, disobliged them; as for Camillus and Coriolanus, they deserved whatever befell them, because they maligned and hated the people."

All this is tolerably just. Our author proceeds: —

"This humor, however, is highly commended by some, as a sign of a commonwealth's being in pure and perfect health, when the people are thus active, zealous, and jealous in the behalf of their liberties, that will permit no such growth of power as may endanger it." Yet he adds, with great truth, "that the people have been so far from ingratitude, that they have always been excessive in their rewards and honors to such men as deserved any way of the public, whilst they conformed themselves to rules and kept in a posture suitable to liberty. Witness their consecration of statues, incense, sacrifices, and crowns of laurel, enrolling such men in the number of their deities. The crime of ingratitude cannot, in any peculiar manner, be fastened upon the people."

This is very just; the people are no more ungrateful than kings or senates, nor more jealous; and the instances from republics of apparent ingratitude, are not fair proofs. They commonly have arisen from party; and the ill treatment of deserving men has been the work of intrigues of the aristocratical and monarchical parts of these communities, oftener than of the people themselves. The jealousy and envy of commanders and leading senators and patricians have plotted with the people, fomented their prejudices, inflamed their passions, and misrepresented by false reports, until such points have been carried.

There is another thing, too, to be considered. The real merit of public men is rarely fully known and impartially considered; empiricism is practised to an astonishing degree by some, even

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in the purest times. Aristides and Themistocles, Cæsar and Cato, are not upon an equal footing; but when men arise, who to real services add the arts of political empiricism, conform to the errors of the people, comply with their prejudices, gain their hearts, and excite their enthusiasm, then their gratitude is a contagion; it is a whirlwind; it is infinitely worse to the public than their ingratitude, or than the ingratitude of kings or nobles.

Our author produces, as instances of the ingratitude of princes: "Alexander hated Antipater and Parmenio, and put the latter to death; Vespasian cashiered the meritorious Antonies; the King of Portugal, Alphonsus Albuquerque; Ferdinand of Arragon, Consalvus the Great; Henry VII., Stanley of the House of Derby, who put the crown upon his head; Sylla, his instruments; Augustus, Cicero;" and he might have added many thousands of others. After all, justice and sound policy ought to be the rule and measure of rewards and punishments, not any vague sensation of gratitude or jealousy. Every simple government and every unbalanced mixture must produce frequent instances, not only of ingratitude, but of injustice and bad policy, in the article of rewards and punishments; but in a mixed government effectually balanced, it is rarely possible that real service, merit, and virtue, should go unrewarded. If the king is disposed to be ungrateful, the lords and commons will not suffer it; if the commons are ungrateful, the king and lords will do justice; if the lords are faulty, the king and commons will set all right. The chances of ingratitude, therefore, in such a government are much less, and the assurance of a just recompense of reward is much greater, while the danger of royal favoritism and popular extravagance are wholly avoided. As there is nothing of more essential importance to the preservation of liberty, the promotion of prosperity, and the exaltation of the dignity and grandeur of a state, than a just, generous, and steady rule of policy in rewards and punishments, it must, with all humble submission, be presumed that a mixed government has an infinite advantage of all others in this respect. But of all imaginable governments, that of one assembly is the worst; for every man of the minority will be sure of ingratitude and injustice, let his service be what it will; nay, he will be in danger of punishment for his merit; and every man of the majority will be safe against

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punishment for many misdemeanors, and sure of excessive rewards for every trifling service.

We may fairly conclude, upon the whole, that none of these six objections stand against a free government of three branches; but every one of them in full force against a single sovereign assembly.

The next chapter is entitled, "The Original of all Just Power is in the People." This book is valuable, as it is so ancient a monument of liberty and political knowledge in England. Many of its principles were at that time extremely rare in the world, excepting in England. They have been since enlarged on, with great success, by Sidney, Locke, Hoadley, Montesquieu, Rousseau, Raynal, De Mably, Price, Priestley, Beccaria, and many others of various nations, and are now becoming universal. It is unnecessary to abridge this chapter; because, although it contains the hints on which succeeding writers have enlarged, their discourses are more ample and more satisfactory.

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CHAPTER THIRD.

MARCHAMONT NEDHAM.

ERRORS OF GOVERNMENT AND RULES OF POLICY.

"The first error in ancient Christian policy, which hath indeed been a main foundation of tyranny, is that corrupt division of a state into ecclesiastical and civil."

Our author enlarges upon this error, and his speculations are worth reading; but as this is not likely to be the error of America, I shall leave it to be read when such danger approaches.

"The second error is very frequent under all forms of government. It is this,— that care hath not been taken, upon all occasions of alteration, to prevent the passage of tyranny out of one form into another, in all the nations of the world. The interest of absolute monarchy and its inconveniences have been visible and fatal under the other forms, and given undeniable proof of this maxim by experience, in all times, *that the interest of monarchy may reside in the hands of many as well as of a single person.*"

The interest of absolute monarchy he defines to be, —

"An unlimited, uncontrollable, unaccountable station of power and authority in the hands of a particular person, who governs only according to the dictates of his own will and pleasure; and though it hath often been disguised by sophisters in policy, so as it hath lost its own name by shifting forms, yet the thing in itself hath been discovered under the artificial covers of every form, in the various revolutions of government. In Athens, when they had laid aside their king, the kingly power was retained still in all the after turns of government; for their decimal governors and their thirty tyrants were but a multiplied monarchy, the people being in a worse condition than before; for their kings had supervisors and senatic assemblies that did restrain and correct them; but the new governors having none, ran into all the heats and fits and wild extravagancies of an

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unbounded prerogative. Necessity and extremity opening the people's eyes, they at length saw all the inconveniences of kingship wrapt up in new forms, and rather increased than diminished; so that (as the only remedy) they dislodged the power out of those hands, putting it into their own, and placing it in a constant, orderly revolution of persons elective by the community. And now, one would have thought there was no shelter for a monarchal interest, under a popular form too. But alas! they found the contrary; for *the people not keeping a strict watch over themselves, according to the rules of a free state*, but being *won by specious pretences*, and *deluded by created necessities* to intrust the management of affairs into some particular hands, such an occasion was given thereby to those men to frame parties of their own, that by this means they in a short time became able to do what they list without the people's consent; and, in the end, not only discontinued, but utterly extirpated their successive assemblies."

I have given this at length, in our author's own words, because it is an exact compendium of the whole history of Athens, and shows that he had read it attentively, and understood it perfectly well; and because it is a complete refutation of his own system, his Right Constitution of a Commonwealth. Absolute monarchy, unlimited power in a particular person, who governed by his own will, run through all the history and changes in Athens, according to his own account, even when the people had placed the supreme power in an orderly revolution of persons elective by themselves. Why? "Because the people did not keep a watch over themselves." Did any other people keep a strict watch over themselves? Will any people ever keep a strict watch over themselves? No, surely. Is not this, then, a sufficient reason for instituting a senate to keep a strict watch over them? Is not this a sufficient reason for separating the whole executive power from them, which they know will, and must corrupt them, throw them off their guard, and render it impossible to keep a strict watch over themselves?"

"They did not observe the rules of a free state."

Did any people, that ever attempted to exercise unlimited power, observe the rules of a free state? Is it possible they should, any more than obey, without sin, the law of nature and nature's God? When we find one of these sorts of obedience,

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we may expect the other. If this writer had been one of the enthusiasts of that day, and told the people they must pray to God for his omnipotent grace to be poured out upon them, to distinguish them from all the rest of mankind as his favorite people, more even than the Jews were, that they might be enabled to observe the rules of a free state, though all history and experience, even that of the Hebrews themselves, and the constitution of human nature, proved it impossible without a miracle; or if he had told them that they were a chosen people, different from all other men, numbers would have believed him, and been disappointed; for it is impious presumption to suppose that Providence will thus distinguish any nation; but it would have been more sensible than thus to acknowledge in effect, as he does repeatedly, the impracticability of his scheme, and still insist upon it.

"The people were won by specious pretences, and deluded by created necessities, to intrust the management of affairs into some particular hands."

And will not the people always be won by specious pretences, when they are unchecked? Is any people more sagacious or sensible than the Athenians, those ten thousand citizens, who had four hundred thousand slaves to maintain them at leisure to study? Will not a few capital characters in a single assembly always have the power to excite a war, and thus create a necessity of commanders? Has not a general a party of course? Are not all his officers and men at his devotion so long as to acquire habits of it? When a general saves a nation from destruction, as the people think, and brings home triumph, peace, glory, and prosperity to his country, is there not an affection, veneration, gratitude, admiration, and adoration of him, that no people can resist? It is want of patriotism not to adore him; it is enmity to liberty; it is treason. His judgment, which is his will, becomes the only law; reason will allay a hurricane as soon; and if the executive and judicial power are in the people, they at once give him both, in substance at first, and not long afterwards in form. The representatives lose all authority before him. If they disoblige him, they are left out by their constituents at the next election, and one of his idolaters is chosen.

"In Rome, also, the case was the same, under every alteration; and all occasioned by the crafty contrivances of grandizing

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parties, and the people's own facility and negligence in suffering themselves to be deluded; for with the Tarquins (as it is observed by Livy and others) only the name *king* was expelled, but not the thing; the power and interest of kingship was still retained in the senate, and engrossed by the consuls; for besides the rape of Lucretia, among the other faults objected against Tarquin, this was most considerable, that he had acted all things after his own head, and discontinued consultations with the senate, which was the very height of arbitrary power; but yet as soon as the senate was in the saddle, they forgot what was charged by themselves upon Tarquin, and ran into the same error, by establishing an arbitrary, hereditary, unaccountable, power in themselves and their posterity, not admitting the people (whose interest and liberty they had pleaded) into any share in consultation or government, as they ought to have done, by a present erecting of their successive assemblies; so that you see the same kingly interest, which was in one before, resided then in the hands of many. Nor is it my observation only, but pointed out by Livy, in his second book, and in many other places, 'Cum a patribus non consulem sed carnificem, &c.' when the senators strove to create, not consuls, but executioners and tormentors, to vex and tear the people, &c. And in another place of the same book, 'Consules, immoderatâ infinitaque potestate, omnes metus legum, &c.' the consuls, having an immoderate and unlimited power, turned the terror of laws and punishments only upon the people, themselves (in the mean while) being accountable to none but themselves, and their confederates in the senate. Then, the consular government being cashiered, came on the decemviri: 'Cum consulari imperio ac regio, sine provocatione,' saith my author; being invested with a consular and kingly power, without appeal to any other. And in his third book he saith, 'Decem regum species erat,' it was a form of ten kings; the miseries of the people being increased ten times more than they were under kings and consuls. For remedy, therefore, the ten were cashiered also; and consuls being restored, it was thought fit, for the bridling of their power, to revive also the dictatorship (which was a temporary kingship, used only now and then upon occasion of necessity) and also those deputies of the people, called tribunes, which one would have thought had been sufficient bars against monarchic interest,

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especially being assisted by the people's successive assemblies; but yet, for all this, the people were cheated through their own neglect, and bestowing too much confidence and trust upon such as they thought their friends; for when they swerved from the rules of a free state, by lengthening the dictatorship in any hand, then monarchic interest stept in there, as it did under Sylla, Cæsar, and others, long before it returned to a declared monarchal form; and when they lengthened commands in their armies, then it crept in there, as it did under the aforenamed persons, as well as Marius, Cinna, and others also; and even Pompey himself, not forgetting the pranks of the two triumvirates, who all made a shift under every form, being sometimes called consuls, sometimes dictators, and sometimes tribunes of the people, to outact all the flagitious enormities of an absolute monarchy."

This valuable passage, so remarkable as an abridgment of the Roman history, as containing the essence of the whole that relates to the constitution, as a profound judgment of what passes in all societies, has been transcribed in the author's own words; and, it may be truly said, it contains a full confutation of his own system, and a complete proof of the necessity of the composition of three branches. It is strictly true, that there is a strong and continual effort in every society of men, arising from the constitution of their minds, towards a kingly power; it is as true in a simple democracy, or a democracy by representation, as it is in simple aristocracy, oligarchy, or monarchy, and in all possible combinations and mixtures of them. This tendency can never be eradicated; it can only be watched and controlled; and the whole art of government consists in combining the powers of society in such a manner, that it shall not prevail over the laws. The excellence of the Spartan and Roman constitutions lay in this; that they were mixtures which did restrain it, in some measure, for a long period, but never perfectly. Why? Because the mixture was not equal. The balance of three branches is alone adequate to this end; and one great reason is, because it gives way to human nature so far, as to determine who is the first man. Such is the constitution of men's minds, that this question, if undecided, will forever disorder the state. It is a question that must be decided, whatever blood or wounds it may occasion, in every species of gregarious animals, as well as men. This point, in the triple division of

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power, is always determined; and this alone is a powerful argument in favor of such a form.

Our author's Right Constitution is the worst of all possible forms in this respect. There are more pretenders; the choice of means is multiplied; the worst men have too much influence in the decision, more, indeed, than the best; and the whole executive and judicial powers, and the public treasure too, will be prostituted to the decision of this point. In the state of nature, when savage, brutal man ranged the forests with all his fellow-creatures, this mighty contest was decided with nails and teeth, fists, stones, and clubs, in single combats, between all that dared to pretend. Amidst all the refinements of humanity, and all the improvements of civil life, the same nature remains, and war, with more serious and dreadful preparations, and rencounters of greater numbers, must prevail, until the decision takes place.

"The people," says our author, "were cheated through their own neglect, and bestowing too much confidence and trust upon such as they thought their friends." And could he quote an instance from all history of a people who have not been cheated; who have not been negligent; who have not bestowed too much confidence and trust upon such as they thought their friends; who have not swerved from the rules of a free state, by lengthening power in hands that hold it? Can he give a plausible reason to hope that such a people will ever appear? On the contrary, is it not demonstrable that such a people is impossible, without a miracle and a renovation of the species? Why, then, should the people be bribed to betray themselves? Putting the executive power into their hands is bribing them to their own destruction; putting it into the hands of their representatives is the same thing, with this difference for the worse, that it gives more opportunity to conceal the knavery. Giving the executive power to the senate is nearly the same, for it will be in that case used in bribes, to elevate certain senatorial families.

All projects of government, formed upon a supposition of continual vigilance, sagacity, and virtue, firmness of the people, when possessed of the exercise of supreme power, are cheats and delusions. The people are the fountain of power; they must, in their constitution, appoint different orders to watch one

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another, and give them the alarm in time of danger. When a first magistrate, possessed of the executive, can appeal to the people in time of danger; when a senate can appeal to the people; and when a house of commons can appeal to the people; when it is the interest of each, in its turn, to appeal to the people; when self-preservation causes such appeal; then, and then only, can the people hope to be warned of every danger, and be put constantly on their guard, kept constantly vigilant, penetrating, virtuous, and steady. When their attention, too, is fixed only upon the preservation of the laws, and they cannot be diverted like apes, by throwing the nuts of the executive power among them, to divide them. When they have any thing to do with the executive power, they think of nothing else but scrambling for offices, and neglect altogether the legislature and the laws, which are their proper department. All the flagitious enormities of absolute monarchy will be practised by the democratical despot, triumvirs, decemvirs, who get possession of the confidence of the majority.

Florence testifies the same truth.

"Even when it seemed most free, it was ever the business of one upstart or other, either in the senate or among the people, to make way to their own ambitious ends, and hoist themselves into a kingly posture through the people's favor; as Savonarola, Soderini, and the Medici, whose family fixed itself in a dukedom. Nor can it be forgotten how much of monarchy, of late, crept into the United Provinces."

The conclusion is that, "since the interest of monarchy" (that is, arbitrary power, or the government of men) "may reside in a consul as well as in a king; in a dictator as well as in a consul; in the hands of many as well as of a single person; and that its custom hath been to lurk under every form, in the various turns of government; therefore it concerns every people in a state of freedom, to keep close to the rules of a free state for the turning out of monarchy, whether simple or compound, both name and thing, in one or many; so they ought ever to have a *reverend and noble respect* of such founders of free states and commonwealths, as shall block up the way against monarchic tyranny, by declaring for the liberty of the people, as it consists in a due and orderly succession of authority in their supreme assemblies;" that is, for himself, Oliver Cromwell, and

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their party, for no other such founders of commonwealths had then ever existed.

The true conclusion from all the reasoning and all the examples, under this second head of Error in Policy, ought to have been, that arbitrary power, or the interest of monarchy, or the government of men, cannot be prevented, nor the government of laws supported, but by mixing the powers of the one, the few, and the many, in equal proportions, in the legislature; by separating the executive from the legislative power, and the judicial department from both.

The third error in policy is, "keeping the people ignorant of those ways and means that are essentially necessary for the preservation of their liberty; for implicit faith and blind obedience hath hitherto passed current, and been equally pressed and practised by grandees, both spiritual and temporal, upon the people."

Under this head, our author merits all the approbation and praise that can be bestowed upon him. The instruction of the people, in every kind of knowledge that can be of use to them in the practice of their moral duties, as men, citizens, and Christians, and of their political and civil duties, as members of society and freemen, ought to be the care of the public, and of all who have any share in the conduct of its affairs, in a manner that never yet has been practised in any age or nation. The education here intended is not merely that of the children of the rich and noble, but of every rank and class of people, down to the lowest and the poorest. It is not too much to say, that schools for the education of all should be placed at convenient distances, and maintained at the public expense. The revenues of the state would be applied infinitely better, more charitably, wisely, usefully, and therefore politically, in this way, than even in maintaining the poor. This would be the best way of preventing the existence of the poor. If nations should ever be wise, instead of erecting thousands of useless offices, or engaging in unmeaning wars, they will make a fundamental maxim of this, that no human being shall grow up in ignorance. In proportion as this is done, tyranny will disappear, kings and nobles will be made to feel their equitable equality with commoners, and commoners will see their interest and duty to respect the guardians of the laws; for guardians they must have as long as human nature endures. There is no room to doubt

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that the schools, academies, and universities, the stage, the press, the bar, pulpit, and parliament, might all be improved to better purpose than they have been in any country for this great purpose. The emanations of error, folly, and vice, which proceed from all these sources, might be lessened, and those of wisdom, virtue, and truth, might be increased; more of decency and dignity might be added to the human character in high and low life; manners would assist the laws, and the laws reform manners; and imposture, superstition, knavery, and tyranny, be made ashamed to show their heads before the wisdom and integrity, decency and delicacy, of a venerable public opinion.

But it is in vain that our author endeavors to throw the blame of impressing implicit faith and blind obedience upon grandees, spiritual and temporal; for the grandees he contends for, both spiritual and temporal, I mean the first man and other principal members of his successive representative assemblies, will have as much occasion to keep the people in ignorance, and more opportunity to conceal truth and propagate falsehood, than those whom he calls standing powers. All intelligence and information will be directed to them; they may conceal what they will, and they will conceal every thing they can from their adversaries, the minority, and even much from their own followers. It is a mixed government alone that can bear that truth and knowledge should be communicated freely to the people; and in a mixed government alone can the people compel all men to communicate such information as ought to be laid before them. The majority in a single assembly can conceal much from the minority, indeed almost what they will; but the crown, or its ministers, can conceal nothing from a house of representatives which they ought to know.

It is very true, that a people who have declared themselves "a free state should know what freedom is, and have it represented in all its *lively and lovely features*, that they may grow zealous and jealous over it. They should also be made acquainted and thoroughly instructed in the means and rules of its preservation against the adulterous wiles and rapes of any projecting sophisters that may arise." How different from this, alas! is the deplorable state of mankind! "Ce n'est qu'en Angleterre, où l'on pourroit faire ou avoir des livres sur les constitutions," said one of the most enlightened ambassadors in

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Europe; and it is but a very few years since a French gentleman answered a foreigner, who inquired for the best book upon the constitution of France, "Monsieur, c'est l'Almanach Royal."[1]

"The fourth error in policy hath been the regulation of affairs by reason of state, not by the strict rule of honest."

It is unnecessary to follow our author through Greece and Italy, the Old Testament and the New, through France, Spain, and England, for instances of this *raggione di stato*, this kingcraft and priestcraft; it is well enough known; but it may be practised with more facility in a simple democracy than in any other government. The leaders of a majority have only to allege "reason of state" to justify themselves to their partisans for every species of tyranny and oppression over the minority, until they become strong enough to allege the same "reason of state" to justify their tyranny over their own party.

"*Fifth Error.* Permitting of the legislative and executive powers of a state to rest in one and the same hands and persons. By the legislative power we understand the power of *making*, *altering*, or *repealing* laws, which, in all well-ordered governments, hath ever been lodged in a succession of the supreme councils or assemblies of a nation. By the executive power we mean that power which is *derived from the other*, and *by their authority transferred into the hands* of one person, called a prince, or into the hands of many, called states, for the administration of government in the execution of those laws. In the keeping of these two *powers distinct*, flowing in *distinct channels*, so that they may *never meet in one*, save upon some short, extraordinary occasion, *consists the safety of a state.* The reason is evident; because, if the law-makers (who ever have the supreme power) should be also the constant administrators and dispensers of law and justice, then, by consequence, the people would be left without remedy in case of injustice, since no appeal can lie under heaven against such as have the supremacy; which, if once admitted, were inconsistent with the very intent and natural import of true policy, which ever supposeth that men in power may be unrighteous, and therefore, presuming the worst, points always, in all determinations, at the

[1] M. de Marbois. See the anecdote in the *Diary*, vol. iii. p. 222.

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enormities and remedies of government, on the behalf of the people. For the clearing of this, it is worthy your observation, that in all kingdoms and states whatsoever, where they have had any thing of freedom among them, the legislative and executive powers have been managed in distinct hands; that is to say, the law-makers have set down laws as rules of government, and *then put power into the hands of others*, not their own, to govern by those rules; by which means the people were happy, having no governors but such as were liable *to give an account of government* to the supreme council of law-makers. And, on the other side, it is no less worthy of a very serious observation, that kings and standing states never became absolute over the people, till they brought both the *making and execution of laws into their own hands;* and as this usurpation of theirs took place by degrees, so unlimited, arbitrary power crept up into the throne, there to domineer over the world, and defy the liberties of the people."

Let us pause here with astonishment. A person who had read the former part of the book with attention, would think these words a complete refutation of his whole "Right Constitution of a Commonwealth." The whole drift of the book before this was to prove, that all authority should be collected into one centre; that the whole legislative and judicial power, as well as the executive, was to be vested in successive, supreme sovereign assemblies of the people's representatives; and our endeavor has been to show, that this would naturally be applied to corruption in election, to promote division, faction, sedition, and rebellion. All this is now very frankly admitted, and "the safety of the state" depends upon placing the power of making laws, of executing them, and administering justice, in different hands. But how is this to be done?

"The executive power," our author tells us, "is derived from the legislative; and by their authority transferred into the hand of one person, called a prince, or into the hands of many, called states, for the administration of government in the execution of those laws."

This is totally denied. The executive power is not naturally, nor necessarily, and ought never to be in fact, derived from the legislative. The body of the people, according to our author and to truth, is the fountain and original of all power and au-

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thority, executive and judicial, as well as legislative; and the executive ought to be appointed by the people, in the formation of their constitution, as much as the legislative. The executive represents the majesty, persons, wills, and power of the people in the administration of government and dispensing of laws, as the legislative does in making, altering, and repealing them. The executive represents the people for one purpose, as much as the legislative does for another; and the executive ought to be as distinct and independent of the legislative, as the legislative is of that. There is no more truth, nature, or propriety, in saying that the executive is derived from the legislative, than that the legislative is derived from the executive; both are derived from the people. It is as untrue to say that the executive power is transferred by the authority of the legislative into the hands of a prince, as it would be to say that the legislative power was transferred by the authority of the prince into the hands of a legislative assembly. The people may, indeed, by their constitution, appoint the house of representatives, to represent them in watching the executive magistrates, and in accusing them of misrule and misdemeanors; they may appoint a senate to represent them, in hearing and determining upon those accusations. The people are represented by every power and body in the state, and in every act they do. So the people are represented in courts of justice by the judges and juries, grand and petit, in hearing and determining complaints against ministers of the executive power, as well as members of the senate and the house. It is true the body of the people have authority, if they please, to empower the legislative assembly or assemblies to appoint the executive power, by appointing a prince, president, governor, podestà, doge, or king, and to call him by which of these names they please; but it would be a fatal error in policy to do it, because it would in fact amount to the same thing which our author seemed to contend for through his whole book, and which he now allows to be inconsistent with the safety of the state, namely, — a union of the legislative and executive powers in the same hands.

Whoever appoints bishops and judges will dictate law and gospel. Whoever appoints a general will command the army; an admiral, the fleet. Any executor of the law will have it executed as he will. It makes the executive power a mere tool of

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the legislative, and the prince a weathercock blown about by the leading member of the house. Every commission will be disposed of as the lord and master in the house shall direct; military discipline will bow before his nod; and the judicial power must have the same complaisance; so that both executive and judicial powers will be prostituted to corrupt the people in elections, and the members of the house, as much as if all these powers were exercised in the house, and all the legislative, executive, and judicial powers in the same hands, the state unsafe, the people left without remedy, in case of injustice, but by an appeal to Heaven, by our author's own confession.

"In all free states, the legislative and executive powers have been managed in distinct hands," says our author; "that is, the law-makers have set down rules, and then put power into the hands of others to govern by those rules."

I wonder where. In Sparta, the executive power was in the kings, hereditary kings, not appointed by the senate, or either of the popular assemblies, that of the city, or that for the country; in Athens, the executive power was in the archons; in Rome, first in kings, and then in consuls, through all the period of the republic; but, what is worse, some important executive powers were reserved in the hands of the senate in Sparta, in the popular assemblies in Athens, in the senate in Rome; that is, the executive and legislative powers were so far united, which finally produced the ruin of all of them. In short, our author is perfectly right in his rule, that the two powers ought to be distinct, and in the fatal effects of their union; but totally wrong in deriving one from the other, and in his examples to show they ever were so derived.

But as the separation and division of authority, for the preservation of equity, equality, and liberty, in opposition to the union of it simply in one, the few, or the many, is the end of all the pains we have taken upon this subject, not a word of assistance afforded us by our author ought to be lost. He goes on,—

"Cicero, in his second book, *De Officiis*, and his third, *De Legibus*, speaking of the first institution of kings, tells us, how they were at first left to govern at their own discretion, without laws. Then their wills and their words were law; the making and execution of laws were in one and the same hands. But what was the consequence? Nothing but injustice, and in-

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justice without remedy, till the people were taught by necessity to ordain *laws*, as rules whereby they ought to govern. Then began the meeting of the people successively in their supreme assemblies to make laws, whereby kings, in such places as continued under the kingly form, were limited and restrained, so that they could do nothing in government but what was agreeable to law, for which they were accountable, as well as other officers were in other forms of government, to those supreme councils and assemblies. Witness all the old stories of Athens, Sparta, and other countries of Greece, where you shall find, that the law-making and the law-executing powers were placed in distinct hands under every form of government; for so much of freedom they retained still under every form, till they were both swallowed up, as they were several times, by an absolute domination.

"In old Rome we find Romulus, their first king, cut in pieces by the senate, for taking upon him to make and execute laws at his own pleasure; and Livy tells us, that the reason why they expelled Tarquin, their last king, was, because he took the executive and legislative powers both into his own hands, making himself both legislator and officer, *inconsulto senatu*, 'without advice, and in defiance of the senate.'

"Kings being cashiered, then their standing senates came in play, who, making and executing laws by decrees of their own, soon grew intolerable, and put the people upon divers desperate adventures, to get the legislative power out of their hands, and place it in their own, that is, in a succession of their supreme assemblies; but the executive power they left, part in the hands of officers of their own, and part in the senate; in which state it continued some hundreds of years, to the great happiness and content of all, till the senate, by sleights and subtilties, got both powers into their own possession again, and turned all into confusion.

"Afterwards, their emperors (though usurpers) durst not at first turn both these powers into the channel of their own unbounded will; but did it by degrees, that they might the more insensibly deprive the people of their liberty, till at length they openly *made and executed laws at their own pleasure*, being both legislators and officers, without giving an account to any; and so there was an end of the Roman liberty.

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"To come nearer home, let us look into the old constitution of the commonwealths and kingdoms of Europe. We find in the Italian states, Venice, which having the legislative and executive power confined within the narrow pale of its nobility in the senate, is not so free as once Florence was, with Siena, Milan, and the rest, before their dukes, by arrogating both those powers to themselves, wormed them out of their liberty.

"Of all those states, only Genoa remains in a free posture, by keeping the power of legislation only in their supreme assemblies, and leaving the execution of law in a titular duke and a council. The keeping of these powers asunder, within their proper sphere, is one principal reason why they have been able to exclude tyranny out of their own state, while it hath run the round in Italy.

"What made the Grand Signor absolute of old, but his engrossing both these powers? and of late the kings of Spain and France? In ancient times, the case stood far otherwise; for in Ambrosio Morales his Chronicle you will find, that in Spain the legislative power was lodged only in their supreme council, and their king was no more but an elective officer, to execute such laws as they made, and, in case of failing, to give them an account, and submit to their judgments, which was the common practice, as you may see also in Mariana. It was so, also, in Arragon, till it was united to Castile by the marriage of Ferdinand and Isabella; and then both states soon lost their liberty by the projects of Ferdinand and his successors, who drew the powers of legislation and execution of law within the verge and influence of the prerogative royal; whilst *these two powers were kept distinct, then these states were free;* but the *engrossing of them in one and the same hands, was the loss of their freedom.*

"France, likewise, was once as free as any nation under heaven; though the king of late hath done all, and been all in all, till the time of Louis XI. he was no more but an officer of state, regulated by law, to see the laws put in execution, and the legislative power rested in the assembly of the three estates; but Louis, by snatching both these powers into the *single hands of himself* and his successors, rooked them out of their liberty, which they may now recover again, if they have but so much manhood as to reduce the two powers into their ancient, or into better channels.

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"This pattern of Louis was followed close by the late king of England (Charles I.) who, by our ancient laws, was the same here that Louis ought to have been in France, an officer in trust, to see to the execution of the laws; but by aiming at the same ends which Louis attained, and straining, by the ruin of parliaments, *to reduce the legislative power, as well as the executive, into his own hands*, he, instead of an absolute tyranny, which might have followed his project, brought a swift destruction upon himself and his family.

"Thus you see it appears, that *the keeping of these two powers distinct* hath been a ground preservative of the people's interest, whereas their uniting hath been its ruin all along in so many ages and nations."

This passage at large, in the author's own words, has been quoted with pleasure, because, although the accuracy of it in every particular cannot be answered for, the principle and examples are good, and he might have added as many more examples as there were or had been simple governments in the world. It is in mixed governments alone where these two powers are separated. But the misfortune is, that our author contends for a mixed government, and a separation of the legislative and executive powers, in name and appearance only. If the executive is appointed by, or derived from, the legislative, it is still in essence but one power, and in the same hands.

It is inaccurate to say, that in "Athens and Sparta" the law-making and law-executing powers were placed in distinct hands under every form of government. It would be nearer the truth to say, that they were free and happy in proportion as they separated these powers. But the fact is, these powers were never wholly separated; part of the executive always was in the legislative, and sometimes all of it, and these errors proved their ruin.

When "the executive power was left by the people of Rome partly in the hands of officers of their own, and partly in the senate," it was a continual object of jealousy and contention between the senate and people. Whether France was ever "as free as any nation under heaven," or not, may be learned from Boulainvilliers,* the Abbé de Mably,† and M. Moreau.‡

* *État de la France. Lettres sur les anciens Parlemens de France.*
† *Observations sur l'Histoire de France.*
‡ *Discours sur l'Histoire de France.*

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To read through the voluminous histories of Father Daniel, Mezeray, Velly, and consult original authorities, as Gregory of Tours, Froissart, &c. would be a tedious enterprise, and, after all, the controversy would remain. Boulainvilliers contends that France was a republic, and that the feudal lords had a right to make war upon the kings and upon one another; but it was, according to him, but an aristocracy. M. Moreau, who examines all the other writers, as Boulainvilliers, Du Bos, De Mably, &c. contends that the monarchs have ever been absolute; but at what period the common people, such as farmers, mechanics, merchants, &c. were admitted to a vote in the choice of their rulers, even of the procurators of cities and boroughs which composed the third estate, the public would yet be glad to be informed. Louis XVI. has the unrivalled glory of admitting the people to a share in the government. Upon what grounds our author could pretend that France was ever as free as any nation under heaven is utterly incomprehensible. The kings, nobles, and clergy, were such standing powers as our author detested; and the third estate was very far from being an adequate representation of the people; so that the assemblies of the states, and the ancient parliaments, were by no means successions of the people's sovereign assemblies. The constitutions of the cortes in Castile, Arragon, Portugal, and all the other kingdoms now united under the kings of Spain or Portugal, were equally repugnant to our author's system, and equally destructive of it.*

"*Sixth Error.* Reducing transactions and the interests of the public into the disposition and power of a few particular persons. The ill consequences have been, that matters were not carried by fair debate, but by design and surprise; not by deliberation of the people in their open assemblies, but according to the premeditated resolutions and forestalments of crafty projectors in private juntos; not according to the true interest of state, but in order to the serving of men's ends; not for the benefit and improvement of the people, but to keep them under, as ignorant of true liberty as the horse and mule, to be bridled, saddled, and ridden, under the wise pretences of being governed and kept in order.

* Upon this head a judgment may be formed, by consulting Geddes's *History of the Wars of the Commons of Castile*, and his *View of a Cortes assembled at Toledo, in* 1406. *Miscellaneous Tracts*, vol. i.

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But the grand and worse consequence of all hath been this; that such colleagues, partners, and engrossers of power, having once brought about their ends by lying practices upon the people, have ever fallen into fits of emulation against themselves, and their next design hath ever been to rook their fellows and rid themselves of competitors, so that at length they have been their own executioners, and ruined one another. And the people having by this means been torn with civil dissensions and the miseries of war, by being drawn into parties, according to their several humors and affections, the usual event ever was, that in the end they have been seized as the prey of some single tyrant."

It must be confessed our author understands himself and his subject very well. He is aware of all the difficulties and dangers, but yet he will not see, or will not confess, that his own Right Constitution remains exposed to all their ravages, without the smallest provision to defend it. How will it be possible, in a single sovereign assembly, to prevent transactions and public interests falling into the disposition of a few? How will it be possible that matters should always be carried by friendly debate, and not by design and surprise, by premeditated resolutions of crafty projectors in private cabinets; not according to public interest, but private ends; not for the benefit of the people, but to keep them in ignorance, to be bridled and ridden? How can such colleagues and partners be prevented from imposing lying practices on the people, from emulation, envy, and jealousy among themselves, and from rooking one another? How shall the people be prevented from being torn with civil dissensions, and drawn into parties, by their several humors, principles, superstitions, prejudices, fancies, and affections? and how shall all this be prevented from ending in a single tyranny? Not one check, not the least restraint, no appearance of balance or control, is once mentioned or thought of. For an executive appointed by the legislative will be none at all; it will only facilitate intrigue and artifice, to disguise and conceal the blackest designs.

The example of the thirty tyrants of Athens is a proof of this. "Xenophon tells us they drew the determinations of all things into their own closets, but *seemed* to manage them '*calculis et suffragiis populi*,' by the votes of the people, which they had brought to their own devotion in the assembly, to countenance their proceedings. And their custom was, if any sort of men

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complained and murmured at their doings, or appeared for the public, immediately to snap them off by the loss of life or fortune, under a pretence of being seditious and turbulent fellows against the peace of their tyranny."

But will not such thirty or less number of tyrants arise in every single sovereign assembly and behave in the same manner? In a representative assembly they may take off a troublesome member in an easier manner, by applying the executive and judicial powers and the public treasure among his constituents, to have him rejected or left out at the next election.

"The event of the thirty tyrants' combination was a civil war, which ended in their banishment; but a new junto of ten men got into their places, whose government proving little less odious than the former, gave occasion to new changes, which never left shifting till they fell into a single tyranny." If "the wilder sort of people, having by a sad experience felt the fruits of their own error, in following the lusts of particular powerful persons, grew wise, and combining with the honester sort, they all, as one man, set their shoulders to the work, and restored the primitive majesty and authority of their supreme assemblies," how long did it last? Aristides himself began to destroy it, Themistocles did more, Pericles more still, and Alcibiades finished the ruin. It is not possible to say that the Athenian constitution operated as a steady system of liberty for one moment; because, although a multitude of checks played in it, there was no settled balance.

The example cited from Herodotus is still more decisive in our favor, and against our author.

"Monarchy being abolished in Egypt after the death of King Setho, and a declaration published for the freedom of the people, immediately the administration of all affairs was engrossed in the hands of twelve grandees" (or popular men, *principes populi*) "who, having made themselves secure against the people, in a few years fell to quarrelling with one another (as the manner is) about their share in the government. This drew the people into several parties, and a civil war ensued, wherein Psammeticus (one of the twelve) having slain all his partners, left the people in the lurch, and instead of a free state, seated himself in the possession of a single tyranny."

Our author might have quoted the example of the apostles themselves, who fell into disputes who should be the first in the kingdom they thought approaching.

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The two triumvirates are illustrious among thousands of other examples equally apposite.

"Pompey, Cæsar, and Crassus, drew the affairs of the world into their hands, determining all in a private junto, without the advice or the consent of the senate or people, unless it were now and then to make stalking-horses of them, for the more clear conveyance of some unpleasing design. These men, having made an agreement among themselves, that nothing should be done in the commonwealth but what pleased their own humor, it was not long ere the spirit of ambition set them flying at the faces of one another, and drew the whole world upon the stage to act that bloody tragedy, whose catastrophe was the death of Pompey and the dominion of Cæsar. The second triumvirate was between Octavius, Lepidus, and Antony. These having shared the world between them, presently fell a bandying against one another. Augustus, picking a quarrel with Lepidus, gave him a lift out of his authority, and confined him to a close imprisonment in the city; next he picks a quarrel with Antony, begins a new civil war, in which he ruined Antony, and seated himself in the enjoyment of a single tyranny."

But our author should have remembered, that all this was after the senate had lost its authority, and the people, in their assemblies, assumed all power; and he should have been sensible, that thus it will and must ever be, in all simple governments, to the end of the world.

"In the great contest between Henry III. and the barons, about the liberties of themselves and the people, the king being forced at length to yield, the lords, instead of freeing the nation, indeed, engrossed all power into their own hands, under the name of the twenty-four conservators of the kingdom, and behaved themselves like *totidem tyranni*, acting all in their own names, neglecting or overruling parliaments. But then, not agreeing among themselves, there were three or four of them defeated the other twenty, and drew the entire management of affairs into their own hands, namely, — the Earls of Leicester, Gloucester, Hereford, and Spencer. Yet it continued so not long; for Leicester getting all into his power, fell at enmity with Gloucester, and was defeated by him.

"At length Leicester, putting his fortune to a battle, was slain; and the king thereupon getting all power back again, took ad-

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vantage of that opportunity for the greatening himself and his prerogative.

"And so you see all that the people got by the effusion of their blood and loss of their peace was, that instead of one tyrant they had twenty-four, and then four; and after them a single usurper (Montfort, Earl of Leicester); and he being gone, they were forced to serve their old tyrant Henry III. again, who by this means became the more secure and firm in his tyranny."

And are not all these examples, and millions of others that happen in every village, hamlet, and burgade in the world (for in all these there are contentions for precedence, and men who would rather be there the first than the second in Rome, as sincerely as Cæsar) enough to convince the people and popular writers of the necessity of more than one branch of power, and indeed of more than two? The single struggle for the first place must eternally distract every simple government, and must disturb every one that has only two branches. Unless there is a legal, constitutional, and habitual mode of always determining who shall be foremost, there can be no tranquillity among mankind. Grave exhortations to single assemblies, whether senates or representatives, not to permit public transactions to be engrossed, and rest in the power of a few particular persons, will be thrown away; for such are the contradictions in the human character, the multitude who have no hopes of being intrusted, are as servile as the few who have, are aspiring; and, upon the whole, there is more superiority in the world given than assumed.

"*Seventh Error.* Driving of factions and parties. Faction destroyed Rome. The factions, headed by the two potent families of Hannibal and Hanno, destroyed Carthage. Faction made Rome stoop to Cæsar; Athens to Pisistratus. Faction let the Turk into Constantinople and Hungary; the Goths and Vandals into Spain and Italy; the Romans into Jerusalem. It subjected Genoa to the family of Sforza, Dukes of Milan; brought the Spaniard into Sicily and Naples; and the French into Milan, where they ousted Sforza."

To these instances might be added as many as you please; but it is amazing that all that have happened have not been sufficient to show the necessity of a government so mixed that factions may always be ruled. There can be no faction but of

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the one, the few, or the many; and a triple balance of equal powers affords a never-failing remedy against either; and if either of these is wanting, there is always not only a possibility and a probability, but an absolute certainty, of one species of faction arising, against which the constitution affords no defence.

"*Eighth Error.* Violation of faith, principles, promises, and engagements, an impiety that ought to be exploded out of all nations that bear the name of Christians; and yet we find it often pass among the less discerning sort of men for admirable policy; and those impostors that used it, have had the luck to be esteemed the only politicians." Our author wisely and nobly condemns the reasoning of Machiavel, in his Prince, "that, because the greatest part of the world being wicked, unjust, deceitful, full of treachery and circumvention, there is a necessity that those who are downright, and confine themselves to the strict rule of honesty, must ever look to be overreached by the knavery of others." He quotes, too, from Machiavel: "This part hath been covertly showed to princes by ancient writers, who say that Achilles, and many others of those ancient princes, were intrusted to Chiron the Centaur, to be brought up under his discipline. The moral of this having for their teacher one that was half a beast and half a man, was nothing else, but that it was needful for a prince to understand how to make his advantage of the one and other nature, because neither could submit without the other."

Without condemning our species so far as Machiavel, by pronouncing the greatest part wicked; or going the length of the ancients, in supposing them half beasts; or of some moderns, in calling them half devils, candor, and charity itself, must allow, that in all great nations, at least, there are many both wicked, brutal, and diabolical; and enough of both to trample on the laws, and disturb the peace, liberty, and property of the good and humane, unless provision is made in the constitution to restrain them. In all simple governments, the worst part of the species are least controlled and have most temptations; and from hence arises a new and strong argument in favor of such a mixture, as shall guard every avenue to imposture and every inlet to vice. Although the vices and follies of mankind, no more than their diseases and bodily infirmities, can never be wholly eradicated in this mixed state of good and evil, and we cannot

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rationally hope that policy will ever change the earth into heaven, yet the balance of three branches appears to afford all that the constitution and course of things will admit; at least, all that have hitherto been discovered. It would be folly to say, that no further improvements can be discovered. The moral and intellectual world is as little known as the physical. We may hope, from education, inquiry, and experiment, great advances; but, until they are further pursued, let us adopt such as have already been found practicable and useful.

There is one alteration which will be found indispensable, before any great meliorations can be made in society and government, some more rational method of determining the people's votes in elections, and some effectual provision against corruption. The cry of family fortune, some prejudice of superstition, some habitual fondness, a prejudice, a whim, a name, too often determine the votes of multitudes, even when grosser profligacy has no share. The people must be taught to be governed more by reason, and less by sounds. The word *king*, like *magic*, excites the adoration of some, and execration of others; some, who would obey the lawful orders of a king, would rebel against the same orders, given by the same authority, under the name of governors or president; others would cheerfully submit to a governor or president, but think rebellion against a king with only the same authority, virtue, and merit, and obedience to God. Until the nature of things is more generally understood by the people, and mere sounds have less influence, it will be in vain to expect any great improvements.

There is another particular, too, in which, I suspect, the people must change the fundamental maxim of their policy throughout the world, before much further improvements will be made. The people, in all ages and countries, have laid it down as a rule, that their service must be perfectly disinterested. No man deserves to be employed by them, who will not serve them gratis, at least, if not put himself to great expense to procure their votes. The consequences of this are many.

1. No man can serve them who is not rich. This is giving up at once their own right of election into the hands of an aristocracy, and that characteristic of aristocracy, too, which has the least merit in it, mere wealth.

2. This introduces a universal system of Machiavelian hypo-

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crisy into popular elections; and those who are most interested, most corrupted, and most determined to carry the commodity to market, are the most liberal in their offers of a price to purchase it, the most ostentatious in professions of disinterested motives. Aristides, Fabricius, and Cincinnatus are eternally quoted, as if such characters were always to be found in sufficient numbers to protect the people's liberties, and a cry and show of pure virtue is set up by the most profligate and abandoned of human kind, such as would sell their fathers, their country, and their God, for profit, place, and power. Hypocrisy, simulation, finesse, are not more practised in the courts of princes, than they are in popular elections; nor more encouraged by kings than people. Unless some means can be discovered to reform the people, and to enlighten them, to make rectitude, instead of chicanery, the visible, obvious interest both of governors and governed, it will be in vain to expect great changes for the better in government. To improve this, morals and science must be improved, extended, and made more general, if not universal; and, after all, perfection, we know, can never be attained in either.

"*First Rule of Policy.* To educate the young fry in principles of dislike and enmity against kingly government, and enter into an oath of abjuration, to abjure a toleration of kings and kingly power in time to come."

This rule was made for Charles Stuart.

Brutus made the Romans swear, "that they never should suffer any man again to reign at Rome. The Hollanders abjured Philip, his family, and all kings, forever."

These were inventions of aristocratical cunning, and the people were dupes for taking them. A king, meaning a single person vested with the whole executive, is the only remedy for the people, whenever the nobles get the better of them, and are on the scramble for unlimited power. Let every people have a care how they enslave themselves by such an oath, or lay themselves under the necessity of committing perjury. Let them swear, if they will, never to be governed by an absolute monarch; but even this had better be omitted, for there are cases in which an absolute monarch is a less evil than a crowd of lawless lords. A better oath for the common people would be, never to intrust any part of the executive power to a senate, or, in other words, to the body of the gentlemen.

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I am not without apprehensions that I have not made myself fully understood. The people, in all nations, are naturally divided into two sorts, the gentlemen and the simplemen, a word which is here chosen to signify the common people. By gentlemen are not meant the rich or the poor, the high-born or the low-born, the industrious or the idle; but all those who have received a liberal education, an ordinary degree of erudition in liberal arts and sciences, whether by birth they be descended from magistrates and officers of government, or from husbandmen, merchants, mechanics, or laborers; or whether they be rich or poor. We must, nevertheless, remember, that *generally* those who are rich, and descended from families in public life, will have the best education in arts and sciences, and therefore the gentlemen will ordinarily, notwithstanding some exceptions to the rule, be the richer, and born of more noted families. By the common people we mean laborers, husbandmen, mechanics, and merchants in general, who pursue their occupations and industry without any knowledge in liberal arts or sciences, or in any thing but their own trades or pursuits; though there may be exceptions to this rule, and individuals may be found in each of these classes who may really be gentlemen.

Now it seems to be clear, that the gentlemen in every country are, and ever must be, few in number, in comparison of the simplemen. If you please, then, by the democratical portion of society we will understand the common people, as before explained; by the aristocratical part of the community we will understand the gentlemen. The distinctions which have been introduced among the gentlemen, into nobility greater or lesser, are perfectly immaterial to our present purpose; knights, barons, earls, viscounts, marquises, dukes, and even princes and kings, are still but gentlemen, and the word noble signifies no more than knowable, or conspicuous. But the gentlemen are more intelligent and skilful, as well as generally richer and better connected, and therefore have more influence and power than an equal number of the common people. There is a constant energy and effort in the minds of the former to increase the advantages they possess over the latter, and to augment their wealth and influence at their expense. This effort produces resentments and jealousies, contempt, hatred, and fear, between the one sort and the other. Individuals among the common

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people endeavor to make friends, patrons, and protectors among the gentlemen. This produces parties, divisions, tumults, and war. But as the former have most address and capacity, they gain more and more continually, until they become exorbitantly rich, and the others miserably poor. In this progress, the common people are continually looking up for a protector among the gentlemen, and he who is most able and willing to protect them acquires their confidence. They unite together by their feelings, more than their reflections, in augmenting his power, because the more power he has, and the less the gentlemen have, the safer they are. This is a short sketch of the history of that progress of passions and feelings which has produced every simple monarchy in the world; and, if nature and its feelings have their course without reflection, they will produce a simple monarchy forever. It has been the common people, then, and not the gentlemen, who have established simple monarchies all over the world. The common people, against the gentlemen, established a simple monarchy in Cæsar at Rome, in the Medici at Florence, &c., and are now in danger of doing the same thing in Holland; and if the British constitution should have its euthanasia in simple monarchy, according to the prophecy of Mr. Hume, it will be effected by the common people, to avoid the increasing oppressions of the gentlemen.

If this is the progress and course of things (and who does not know that it is?) it follows, that it is the true interest and best policy of the common people to take away from the body of the gentlemen all share in the distribution of offices and management of the executive power. Why? Because if any body of gentlemen have the gift of offices, they will dispose of them among their own families, friends, and connections; they will also make use of their votes in disposing of offices, to procure themselves votes in popular elections to the senate or other council, or to procure themselves appointments in the executive department. It is the true policy of the common people to place the whole executive power in one man, to make him a distinct order in the state, from whence arises an inevitable jealousy between him and the gentlemen; this forces him to become a father and protector of the common people, and to endeavor always to humble every proud, aspiring senator, or other officer in the state, who is in danger of acquiring an influence too great

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for the law or the spirit of the constitution. This influences him to look for merit among the common people, and to promote from among them such as are capable of public employments; so that the road to preferment is open to the common people much more generally and equitably in such a government than in an aristocracy, or one in which the gentlemen have any share in appointments to office.

From this deduction it follows, that the precept of our author, "to educate children (of the common people) in principles of dislike and enmity against kingly government, and enter into an oath of abjuration to abjure a toleration of kings and kingly powers," is a most iniquitous and infamous aristocratical artifice, a most formal conspiracy against the rights of mankind, and against that equality between the gentlemen and the common people which nature has established as a moral right, and law should ordain as a political right, for the preservation of liberty.

By kings and kingly power is meant, both by our author and me, the executive power in a single person. American common people are too enlightened, it is hoped, ever to fall into such a hypocritical snare; the gentlemen, too, it is hoped, are too enlightened, as well as too equitable, ever to attempt such a measure; because they must know that the consequence will be, that, after suffering all the evils of contests and dissensions, cruelty and oppression, from the aristocratics, the common people will perjure themselves, and set up an unlimited monarchy instead of a regal republic.

The second rule of policy is, "not to suffer particular persons to grandize or greaten themselves more than ordinary; for that by the Romans was called '*affectatio regni*,' an aspiring to kingship." Mælius and Manlius are again cited. "The name of the latter was ever after disowned by his whole family, that famous family of the Manlii, and both the name and memory of him and of his consulship were razed out of all public records by decree of the senate."

It is certainly an essential rule in a free government, to suffer no man to greaten himself above the law. But it is impossible it should ever be observed in a simple democracy or aristocracy. What might not Manlius have done, if Rome had been governed by a single sovereign assembly of representatives? It was the aristocracy that murdered Manlius, much against the will of the

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democracy, so that the instance is against the author. The Orange family in Holland are mentioned too; but it is the common people who have supported that family for their protection against the aristocracy. It is agreed, however, by many respectable writers, that the family of Orange have been dangerous in that state, because the people have no constitutional share in the government, and the authority exercised by the stadtholder is not legally defined. If the people, therefore, in their anger, should augment the power of that house too much above the aristocracy, it would be absolute; but if the people should expel that house, they must set up another, as well as demand a share in the legislature for themselves, or become slaves and a prey to the aristocracy. It is a good rule for Holland to beware of too great a man; but it is equally necessary to beware of five thousand men, who may easily become too great. But in our author's Right Constitution the observance of the rule is impossible. The people, if unrestrained by a senate or a king, will set up some one man, and advance him to a greatness of dignity and authority inconsistent with liberty. As soon as any one in such a government gets the command-in-chief of an army, he has the state in his power. The common people in Holland would assist the army in making the prince absolute (if, indeed, the prince would accept of a gift that would ruin his country as well as his house) if they were not restrained by a standing aristocratical power, which our author abhors.

"*Third Rule. Non diurnare imperia;* not to permit a continuation of command and authority in the hands of particular persons or families."

This rule is undoubtedly necessary to preserve a simple aristocracy or democracy; but it is impracticable in both, and, therefore, it is impracticable to preserve an aristocracy or democracy. But this is by no means a necessary or proper rule in a well constituted free government. Command and authority may be continued for any number of years, or for life, in the same person, without the least danger; because, upon the smallest symptom of an inclination to abuse his power, he may be displaced by the executive, without danger or inconvenience. But in a simple aristocracy or democracy he cannot be removed at all; the majority will support him at all events; or, if they do not, the majority that removes him will be so small, that the minority who are his friends may often raise convulsions.

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It is a necessary rule, too, in such a mixed government as that of Rome, where, in the best of times, the people had an authority nearly equal to that of the senate. Where the mixture is of two powers only, and the executive is wholly in one of them, or partly in one and partly in another, they are in continual danger of the tyranny of a single person, on account of the frequent disputes between the two branches about the exercise of the executive and judicial power; but where the executive is in one hand, the legislative in three, and the judicial in hands different from both, there is rarely, if ever, any danger from a continuance of command in any one. Livy had good reason in the Roman state to say, "*Libertatis magna custodia est, si magna imperia esse non sinas, et temporis modus imponatur;* it is a grand preservative of liberty, if you do not permit great powers and commands to continue long, and if you limit in point of time." And to this purpose the Æmilian law, if it could have been observed, would have been a good one. The noble Roman, in the ninth book, spoke in character, when he said, "*Hoc quidem regno simile est,*" and this indeed is like a kingship, that I alone should bear this great office of censorship *triennium et sex menses* three years and six months, contrary to the Æmilian law." Livy, too, speaks in character, as a good citizen of an aristocratical government, when "in his third book he speaks of a monstrous business, that the ides of May were come (which was the time of their year's choice) and yet no new election appointed. *Id vero regnum haud dubie videri; deploratur in perpetuum libertas;* it without doubt seems no other than a kingdom, and liberty is lost for ever. It was treason for any man to hold that high office of the dictatorship in his own hand beyond six months. Cicero's Epistles to Atticus, concerning Cæsar, contain notable stuff to this purpose. The care of that people, in not permitting any man to bear the same office twice together," was all in character, because continuance in high office constantly exposed the state and constitution to the danger of being overturned and converted into an absolute monarchy. In this constitution, too, in consequence of the checks between the senate, the tribunes, and the people, there was some chance for having this law observed. But an Æmilian law, in our author's "Right Constitution," would be made to no purpose; it would be set aside, without ceremony, when nothing but a vote of an all-powerful majority would be wanting to set

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it at defiance. But in a mixed constitution of three branches, such a law, if made, would be punctually executed, much more exactly and certainly than in the Roman constitution; but in such a constitution such a law would be unnecessary, as no danger can arise from the continuance of any general or admiral in command.

The same reasoning is applicable to the free states of Greece, where "Aristotle tells us this rule was observed. The speech of Cincinnatus to the people, to persuade them to let him lay down his command, now the time was come, though the enemy was almost at the gates, and never more need than at that time of his valor and prudence," is a terrible example against our author's system. For, though "no persuasion would serve the turn, resign he would, telling them there would be more danger to the state in prolonging his power than from the enemy, since it might prove a pernicious precedent to the Roman freedom;" yet, as no more than two or three such characters as Cincinnatus appeared in seven hundred years, a statesman would be mad who should place the existence of his form of government upon the presumption that a succession of characters so disinterested would appear to resist the people themselves in their desire to violate a law. If the people at that period could forget a rule so essential to their safety, what are we to expect when they and their idols too are more corrupt? "M. Rutilius Censorinus, although he too made a speech against it, gave way to the people, when they forced him to undergo the office of censor twice together, contrary to the intent and practice of their ancestors, and accepted it upon this condition, that a law might pass against the title in that and other officers, lest it should be drawn into precedent in time to come."

But our author all along mistakes the spirit of this rule; it was an aristocratical regulation altogether; it was the senate and patricians who procured it to be observed, from an aristocratical motive and principle; from a jealousy of the people on one side, and of kingly power on the other. It is the same spirit which precipitated Cassius and Manlius from the rock, and put Mælius to death without ceremony. The people, or their representatives, if uncontrolled, would not probably ever make such a law; if they did, they would never long observe it. The people would not suffer it to be much or long observed in Rome, not-

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withstanding all the exertions of the aristocracy. The times soon came when Cincinnatuses and Censorinuses were not found to refuse power and office offered them against law, any more than Horatii and Valerii were found to postpone their private fortune to plebeian liberty. Even the Grecian aristocracies could not observe this rule. It was a law of Sparta that no man should be twice admiral; but Lysander had address enough to persuade his countrymen to give the title to Aratus, but the real command to himself, under the title of vice-admiral. Even in that which was in appearance the most democratical state of Greece, Achaia, Aratus had the real power and command when he was out of place as much as when he was in. Our author mistakes, too, the spirit of the law, "that no tribune should be continued two years together." This law was a mere aristocratical artifice, to weaken the influence of the tribunes and their constituents, by preventing them from acquiring confidence, skill, and influence by experience. If the people had understood their own cause, they would have insisted upon the privilege of choosing the same tribune as long as they approved his conduct.

"*Fourth Rule.* Not to let two of one family to bear offices of high trust at one time, nor to permit a continuation of great powers in any one family." This rule is indispensable in aristocracies, where the sovereignty is in continual danger from individuals of great influence and powerful connections, where a jealousy of popular men and measures must be constantly kept up to its highest pitch. The Roman rule, "Ne duo vel plures ex unâ familiâ magnos magistratus gerant eodem tempore, let not two or more of one family bear great offices at the same time;" and the other, "Ne magna imperia ab unâ familiâ prescribantur, let not great commands be prescribed or continued in one family;" were necessary aristocratical rules, because, as the patricians were always afraid of the people, who were continually urging for more power, a very powerful family, by joining with the people, might have changed the constitution. It is a wise and useful rule in general in all governments; but in a simple democracy, though it may be more necessary than in any other form, it is always impracticable; the people will set it aside whenever they please, and will always be sure to depart from it in favor of a favorite man or family. But in a mixed constitution of three branches there is less necessity of observing the rule with strict-

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ness, and more facility of observing it when necessary. It is very doubtful whether the constitution of Rome could have been longer preserved, if Cicero had joined Antony instead of Octavius. The people were now uncontrolled and the senate had lost its authority; and the people behaved as they always do, when they pretend to exercise the whole executive and legislative power; that is, they set up immediately one man and one family for an emperor, in effect, sometimes respecting ancient forms at first, and sometimes rejecting them altogether.

But of all rules, this is the least possible to persuade them to observe in such a case. The Florentine family of the Medici were set up in this manner by the people, who, as Machiavel informs us, aimed at all power, and a simple democracy; and in such cases, "Cosimus is always easily admitted to succeed his cousin Alexander." It is not to be wondered at, that "Pompeius Columba stood up in the conclave, and showed them how dangerous and prejudicial it must of necessity prove to the liberties of Italy, that the popedom should be continued in one house, in the hands of two brothers, one after another;" but if the election of a pope had depended upon the people of Florence, Julian de Medici would have been chosen to succeed his brother, though Columba had harangued them with ever so much eloquence against it. A conclave of cardinals, and a body of people in a city, are very different electors. The continuation of power in the House of Orange, is another instance in point; that family have been continued in power by the will of the people, very often expressed in outrageous fury, and very often much against the inclination of the aristocracy.

In every nation, under every form of government, public affairs were always managed by a very small number of families, compared with the whole number. In a simple democracy they will ever be conducted by the smallest number of all; the people will confer all upon a very few families at first, and upon one alone at length. "The Roman senate carried all by families; so does the senate of Venice;" but the number is greater than will ever be intrusted by a people who exercise the whole executive and legislative power in one assembly. But the largest number of families that can be introduced into actual confidence and service, in any combination of the powers of society, is in the composition of three branches; because here as many fami-

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lies are employed to represent the people by numbers, as to represent property in the senate; and it is in such a form alone, that so many families may be employed without confusion and sedition. Here, then, this rule of policy may be best observed, not to let two or more, unnecessarily, bear high offices at once; or, if there are several of a family, whose merit is acknowledged, they may be employed without the smallest danger.

"*Fifth Rule.* To hold up the majesty and authority of their suffrages or votes, entire in their senators or supreme assemblies;" or, in other words, to maintain the free suffrages of senates or people, untainted with the influence or mixture of any commanding power; "for, if this were not secured from *control* or *influence* of any other power, then, *actum erat de libertate.*"

To maintain the independence and integrity of suffrages, without corruption from flattery, artifice, bribes, or fear, is no doubt a good rule; but if the author here means that the power of the people should be absolute, and without control from a senate or a first executive magistrate, it is begging the question, and, what is more, it is notoriously false and destructive.

"So long," says our author, "as the Roman people kept up their credit and authority as sacred in their tribunes and supreme assemblies, so long they continued really free." But how long was this? While they were only defending themselves from the tyranny of the senate; while they were greatly inferior to the senate in power; while they were increasing their own power by obtaining the office of tribune, by obtaining liberty to marry into patrician families, to be appointed ædiles, consuls, censors, &c. In short, while their power was inferior to that of the senate, and controllable by it, they enjoyed as much liberty as ever was enjoyed under that government; but the moment they obtained an equality of power with the senate, they began to exercise more than their half, and to give it to their idols.

"When, by their own neglect, they gave Sylla, and his party in the senate, an opportunity of power to curb them, then their suffrages (once esteemed sacred) were trodden under foot; for immediately after, they came to debate and act but by courtesy, the authority being left by Sylla, after the expiration of his dictatorship, in the hands of the standing senate, so that it could never after be regained by the people. Cæsar, when he marched to Rome, deprived them also of the authority of their

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suffrages; only in a formal way made use of them; and so, under a shadow of legality, he assumed that power unto himself which they durst not deny him."

Our author is never weary of producing anecdotes and examples from history, which prove his own system to be infallibly destructive of liberty. It is a miserable consolation to a virtuous citizen who has lost his liberty, to tell him that he has lost it "by the neglect and fault of his fellow-citizens in general;" it is the most humiliating and desperate slavery of all. If he had lost it by the simple usurpation of a single man or senate, without the fault of the people (if that, indeed, is a possible or supposable case,) he might still entertain a hope of regaining it; but when we are told that a people lost their liberty by a neglect or fault that we know they will always commit when uncontrolled, is it not a conclusive argument for providing in the constitution for an effectual control? When the people exercise all powers in single assemblies, we know that the power of Sylla and Cæsar will always mix in, and influence and control; it is impossible, then, that in our author's form of government this fifth rule of policy ever should be observed, or the suffrages kept pure and upright. "Just in the same manner dealt Cosmus in the Florentine senate. He made use of their suffrages; but he had so played his cards beforehand, that they durst not but yield to his ambition. So, also, Tiberius first brought the suffrages of the senate at his own devotion, that they durst not but consent to his establishment; and then so ordered the matter, that he might seem to do nothing, not only without their consent, but to be forced to accept the empire by their intreaty; so that you see there was an empire in effect, long before it was declared in formality." Will duplicity be less practicable, or less common, in an assembly of the people than in a senate? May not an empire or despotism in effect, though democratical in form, be less difficult to accomplish than even under an aristocratical form? Empire of particular men will exist in effect under every simple form and every unequal mixture. An empire of laws in reality can be maintained only in an equal mixture of all three.

Sixth Rule. "That the people be continually trained up in the exercise of arms, and the militia lodged only in the people's hands, or that part of them which are most firm to the interest of liberty, that so the power may rest fully in the disposition of their supreme assemblies."

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The limitation to "that part most firm to the interest of liberty" was inserted here, no doubt, to reserve the right of disarming all the friends of Charles Stuart, the nobles and bishops. Without stopping to inquire into the justice, policy, or necessity of this, the rule in general is excellent. All the consequences that our author draws from it, however, cannot be admitted. One consequence was, according to him, —

"That nothing could at any time be imposed upon the people but by their consent," that is, by the consent of themselves, or of such as were by them intrusted. "As Aristotle tells us, in his fourth book of Politics, the Grecian states ever had special care to place the use and exercise of arms in the people, because the commonwealth is theirs who held the arms. The sword and sovereignty ever walk hand in hand together." This is perfectly just. "Rome, and the territories about it, were trained up perpetually in arms, and the whole commonwealth, by this means, became one formal militia. There was no difference in order between the citizen, the husbandman, and the soldier." This was the "usual course, even before they had gained their tribunes and assemblies; that is, in the infancy of the senate, immediately after the expulsion of their kings."

But why does our author disguise that it was the same under the kings? This is the truth; and it is not honest to conceal it here. In the times of Tarquin, even, we find no standing army, "not any form of soldiery;" "nor do we find, that in after times they permitted a deposition of the arms of the commonwealth in any other way, till, their empire increasing, necessity constrained them to erect a continued stipendiary soldiery (abroad in foreign parts) either for the holding or winning of provinces."

Thus we have the truth from himself; the whole people were a militia under the kings, under the senate, and after the senate's authority was tempered by popular tribunes and assemblies; but after the people acquired power, equal, at least, if not superior to the senate, then "forces were kept up; the ambition of Cinna, the horrid tyranny of Sylla, the insolence of Marius, and the self ends of divers other leaders, both before and after them, filled all Italy with tragedies, and the world with wonder." Is not this an argument for the power of kings and senates, rather than the uncontrollable power of the people, when it is confessed that the two first used it wisely, and the last perni-

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ciously? The truth is, as he said before, "the sword and sovereignty go together." While the sovereignty was in the senate under kings, the militia obeyed the orders of the senate given out by the kings; while the sovereignty was in the senate, under the consuls, the militia obeyed the orders of the senate given out by consuls; but when the sovereignty was lost by the senate, and gained by the people, the militia was neglected, a standing army set up, and obeyed the orders of the popular idols.

"The people, seeing what misery they had brought on themselves by keeping their armies within the bowels of Italy, passed a law to prevent it, and to employ them abroad, or at a convenient distance. The law was, that if any general marched over the river of Rubicon, he should be declared a public enemy; and in the passage of that river this following inscription was erected, to put the men of arms in mind of their duty: 'Imperator, sive miles, sive tyrannus armatus quisquis, sistito vexillum, armaque deponito, nec citra hunc amnem trajicito;' general, or soldier, or tyrant in arms, whosoever thou be, stand, quit thy standard, and lay aside thy arms, or else cross not this river."

But to what purpose was the law? Cæsar knew the people now to be sovereign, without control of the senate, and that he had the confidence both of them and his army, and *cast the die*, and "erected a prætorian band, instead of a public militia; and was followed in it by his successors, by the Grand Signor, by Cosmus, the first great duke of Tuscany, by the Muscovite, the Russian, the Tartar, by the French," and, he might have added, by all Europe, "who by that means are all absolute, excepting England, because the late king Charles I., who attempted it, did not succeed;" and because our author's "Right Constitution of a Commonwealth" did not succeed. If it had, Oliver Cromwell and his descendants would have been emperors of Old England, as the Cæsars were of Old Rome. The militia and sovereignty are inseparable. In the English constitution, if the whole nation were a militia, there would be a militia to defend the crown, the lords, or the commons, if either were attacked. The crown, though it commands them, has no power to use them improperly, because it cannot pay or subsist them without the consent of the lords and commons; but if the militia are to obey a sovereignty in a single assembly, it is commanded, paid, and subsisted, and a standing army, too, may be raised, paid,

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and subsisted, by the vote of a majority; the militia, then, must all obey the sovereign majority, or divide, and part follow the majority, and part the minority. This last case is civil war; but, until it comes to this, the whole militia may be employed by the majority in any degree of tyranny and oppression over the minority. The constitution furnishes no resource or remedy; nothing affords a chance of relief but rebellion and civil war. If this terminates in favor of the minority, they will tyrannize in their turn, exasperated by revenge, in addition to ambition and avarice; if the majority prevail, their domination becomes more cruel, and soon ends in one despot. It must be made a sacred maxim, that the militia obey the executive power, which represents the whole people in the execution of laws. To suppose arms in the hands of citizens, to be used at individual discretion, except in private self-defence, or by partial orders of towns, counties, or districts of a state, is to demolish every constitution, and lay the laws prostrate, so that liberty can be enjoyed by no man; it is a dissolution of the government. The fundamental law of the militia is, that it be created, directed, and commanded by the laws, and ever for the support of the laws. This truth is acknowledged by our author, when he says: "The arms of the commonwealth should be lodged in the hands of that part of the people which are firm to its establishment."

"*Seventh Rule.* Children should be educated and instructed in the principles of freedom. Aristotle speaks plainly to this purpose, saying, 'that the institution of youth should be accommodated to that form of government under which they live; forasmuch as it makes exceedingly for the preservation of the present government, whatsoever it be.'"

It is unnecessary to take pains to show that the "impression men receive in youth are retained in full age, though never so bad, unless they happen, which is very rare, to quell the corrupt principles of education by an excellent reason and sound judgment;" nor is it necessary to cite the testimonies "of Plutarch or Isocrates," Plato or Solomon, or "Cæsar's Commentaries," nor the examples of "Greece or Gallia," and her "Druids." The example of the difficulty the Romans found to establish their aristocracy upon the ruins of monarchy, arising from the education of their youth (even the sons of Brutus) in different principles, and the obstructions experienced by the Cæsars in establish-

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ing despotism among a people educated under a commonwealth, are apposite enough. Education is more indispensable, and must be more general, under a free government than any other. In a monarchy, the few who are likely to govern must have some education, but the common people must be kept in ignorance; in an aristocracy, the nobles should be educated, but here it is even more necessary that the common people should be ignorant; but in a free government knowledge must be general, and ought to be universal. Yet such is the miserable blindness of mankind, that in our author's "Right Constitution" it is very doubtful whether the pitiful motive of saving the expense would not wholly extinguish public education. If there were not a senate, but the people in one assembly ruled all, it is a serious question, whether there is one people upon earth so generally generous and intelligent, as to maintain schools and universities at the public expense. The greater number of every people are still ignorant; and although their leaders might artfully persuade them to a thousand idle expenses, they would not be able to persuade them to this. Education, then, must be supported by private munificence; and this source, although sufficient to maintain a few schools and a university in a great nation, can never be sufficient to maintain schools in sufficient numbers to educate a whole people. Where a senate is preserved, it is always a maxim with them to respect learning and educate their own families; their example is followed by all others, who are any way in easy circumstances. In a government of three branches, commoners as well as nobles are under a necessity of educating their children, because they hope to be called to public service, where it is necessary. In all the mixed governments of antiquity, education was necessary, and where the people had a share it was the most generally practised; but in a simple government it never was general. In Sparta it was far from being general; it was confined to youth of family; so it was under the aristocracy in Rome. And although we have no examples of simple democracy to recur to, we need only consider, that the majority must be ignorant and poor; and recollect the murmurs and opposition made by numbers of the lowest classes, who are often joined for sinister purposes by some men of consequence, to be convinced that a general public education never can long exist in a simple democracy; the stinginess, the envy, and malignity of the base

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and ignorant would be flattered by the artful and designing, and the education of every family left to its own expense, that the rich only might have their children educated.

"*Eighth Rule.* To use liberty with moderation, lest it turn to licentiousness; which, as it is a tyranny itself, so in the end it usually occasions the corruption and conversion of a free state into monarchical tyranny."

This is a caution to the people, and can do no harm; but will do little more good, than "be ye warmed and be ye clothed," will relieve the wants of the poor. Lectures and sermons and admonitions will never be sufficient to make all men virtuous; political, as well as moral writers and exhorters will spend their ink and breath, not in vain, it is to be hoped, but without completely reforming the world and restoring innocence and purity to all mankind. How then is the tyranny of licentiousness to be avoided? By the energy of laws. And where will be the energy of law, when a majority may set it aside upon every question? Will not the licentious rich man, who has perhaps greater influence in elections for his licentiousness, be protected from punishment by his party in the house? Will not the continual prostitution of judgment in the executive courts, to the views of a political party, increase and propagate licentiousness? Will not the daily prostitution of the executive power, by bestowing offices, not for virtue or abilities, but merely for party merit, daily increase licentiousness? Will not the appropriation of the public money to elections increase the means of debauchery among the vicious? Will not the minor party be necessitated to imitate the majority in these practices as much as possible, in order to keep themselves in any hopes? When their hopes are gone, they must join the other side in worshipping the same idols, who then become complete despots. In our author's plan of government, then, his caution against licentiousness will be thrown away; but in a mixed government it will be extremely useful. The laws may be made to concur with sermons; and the scourge, the pillory, and the gallows may enforce the precepts of moral writers. The magistrate may be a terror to evil doers and a praise to them that do well, instead of being a terror only to the minority and a praise to those who oppress them. As cautions and admonitions, therefore, are undoubtedly useful in a government truly free, though idle and trifling in a simple democracy, let us proceed to consider those of our author.

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His first caution under this eighth rule of policy is, "It is above all things necessary to avoid civil dissension;" and "the uttermost remedy is not to be used upon every distemper or default of those that shall be intrusted with the people's power and authority."

How charming it is for brothers to live in harmony! The smallest things increase by concord! How many beautiful sentiments, in heavenly numbers, from writers sacred and profane, might be said or sung in honor of peace, concord, harmony, and brotherly love! Repetitions of them from age to age have been made, no doubt, to the edification and comfort of many; but, alas! dissensions still exist and daily arise in every nation, city, village, and, I fear I may add, family, in the whole world. Something more efficacious, then, than moral song, ingenious fable, philosophic precept, or Christian ordinance, with reverence be it spoken, must be employed in society, or dissensions will still ravage and desolate the world.

In a simple democracy the citizens will not all think alike; various systems of policy will be approved by different persons; parties will be formed, even with the best intentions and from the purest motives; others will be formed from private views and from base motives. The majority must decide, and, to obtain this, the good will be obliged to unite with the bad, and probably there will be no circle or combination, no club or party in the house, but will be composed partly of disinterested men and partly of interested ones, partly by the virtuous and partly by the vicious; honest men and knaves, wise men and fools will be kneaded together in every mass. Out of the collisions of these, dissensions unavoidably grow, and, therefore, some provision must be made to decide them. An upright, independent tribunal, to judge of controversies, is indispensable; and an upright, independent, judiciary tribunal, in a simple democracy, is impossible. The judges cannot hold their commissions but *durante bene placito* of the majority; if a law is made that their commissions shall be *quamdiu se bene gesserint*, this may be repealed whenever the majority will, and, without repealing it, the majority only are to judge when the judges behave amiss, and, therefore, have them always at mercy. When disputes arise between the rich and poor, the higher and the lower classes, the majority in the house must decide them; there is no possibility, therefore,

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of having any fixed rule to settle disputes and compose contentions. But in a mixed government the judges cannot be displaced but by the concurrence of two branches, who are jealous of each other, and can agree in nothing but justice; the house must accuse and the senate condemn; this cannot be without a formal trial and a full defence. In the other, a judge may be removed or condemned to infamy without any defence or hearing or trial. This part of our author's caution, then, is vain, useless, and idle, in his own form of government, but wise, just, and excellent, in a government properly mixed. Such cautions are provided by the constitution itself, that civil dissensions can scarcely ever arise; or, if they do, may be easily composed.

The other part of the caution, "that the uttermost remedy is not to be used upon every distemper or default of those that shall be intrusted with the people's power and authority," is, in a simple democracy, totally useless and impracticable. There is no other remedy but the uttermost for any distemper or default. The courts of justice, being tools of the majority, will give no remedy to any of the minority; petitions and remonstrances to the house itself, against its own proceedings, will be despised or resented; so that there can be absolutely no remedy but in arms or by the enormity of tumult, dissension, and sedition, which I suppose are meant by "the uttermost remedy."

It is very true, as our author says, "if one inconvenience happen in government, the correction or curing of it by violence introduceth a thousand; and for a man to think civil war or the sword is a way to be ordinarily used for the recovery of a sick state, it were as great a madness as to give strong waters in a high fever; or as if he shall let himself blood in the heart to cure the aching of his head." This is perfectly just, and expressed with great beauty, propriety, and force; yet it is certain, that a member of the minor party, in Nedham's and Turgot's government, has no chance for any other remedy; and even this is often as desperate as it is always dreadful, because the weaker must attack the stronger. If the only expedient to "confute the arguments" against such a collection of authority in one centre be, that such a people "give them the lie by a discreet and moderate behavior in all their proceedings, and a due reverence of such as they have once elected and made their superiors," these arguments will never be confuted, and the cause of liberty is

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desperate; because it is as desperate to expect that a majority uncontrolled should behave always discreetly and moderately, as to expect that all men will be wise and good.

Our author's criterion for determining the cases in which the people (in whom "all majesty and authority fundamentally resides, being only ministerially in their trustees or representatives) may use sharp and quick remedies for the cure of a commonwealth," is very judicious, and has been the rule in all English revolutions since; "in such cases only as appear to be manifest intrenchments, either in design or in being, by men of power, upon the fundamentals or essentials of their liberty, without which liberty cannot consist." This rule is common to him and Milton, and has been adopted by Sidney, Locke, Burnet, Hoadley; but this rule is useless in a simple democracy. The minority have no chance for justice in smaller cases, because every department is in the hands of their enemies; and when the tyranny arrives at this last extremity, they have no hope, for all the means, at least the most of the means, of quick and sharp remedies, are in the hands of their enemies too; so that the most desperate, irremediable, and forlorn condition of liberty, is in that very collection of all authority into one centre, that our author calls "a Right Constitution of a Commonwealth."

The instance brought by our author to illustrate his meaning, proves the same thing. In that contention of three hundred years in Rome, between the senate and people, about the division of the conquered lands, the people made a law that no citizen should possess above five hundred acres of land. The senators cried it was an abridgment of liberty; the people cried it was inconsistent with liberty, that the senators should engross too much wealth and power. Livy says, "the people were right, and the senators wrong, but that both did ill in making it a ground of civil dissension;" for the Gracchi, instead of finding out moderate expedients to reduce the senators to reason, proceeded with such heat and violence, that the senate was forced to choose Sylla for their general; which being observed by the people, they also raised an army, and made Marius their general, and herein came to a civil war, "which, through fines, banishment, inhuman cruelties acted on both sides, defeats in the open field, and massacres within the city, cost the best blood and estates of the nobility and commons, and in the end, cost

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them their liberty, for out of the root of this sprang that civil war between Pompey and Cæsar."

All this again, which is true and just, shows that our author had read the Roman history with discernment, and renders it more unaccountable that he should have perverted so much good sense and learning to support a fantastical image, that he must have seen could not endure. The example in question shows more than the impracticability of liberty in a simple democracy; it shows the imperfection of a mixture of two powers, a senate and people. In a simple democracy, whatever dispute arises, whether about a division of lands, or any thing else, must be decided by the majority; and if their decree is unjust, there is no remedy but to appoint Sylla and Marius generals. In the Roman mixture of two powers there is no remedy to decide the dispute, but to appoint Sylla and Marius, Pompey and Cæsar; but when there are three branches, after two have offered all possible arguments, and cannot agree, the third has only to consider which is nearest justice, and join with that, to decide the controversy and restore the peace. It shall readily be granted, that the civil war between Marius and Sylla was needless, and about an object which did not immediately affect the fundamentals of the constitution; yet indirectly it did; and the fact is, that the struggle now began to be serious which should be master. It was no longer a question, whether the senate should be restrained, but whether the people should be masters. The army under Pompey was necessary. Why? To prevent the people from being masters, and to defend the existence of the senate. The people indeed were already masters, and would have an idol. The instance of Charles I. may be equally applicable; but those times afford as melancholy an example of a *dominatio plebis*, as they do a successful one of resistance to a tyrant. But if any one thinks these examples and cautions, without a balance in the constitution, will instruct people how to demean themselves, and avoid licentiousness, tumult, and civil dissension, and in all the "necessary points of prudence and forbearance which ought to take place in respect of superiors, till it shall evidently appear unto a people, that there is a design on foot to surprise and seize their liberties," he will be miserably mistaken. In a simple democracy they will rise in arms, a thousand times, about common affairs of meum and tuum, between

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the major and minor party, before any fundamental attack shall be made on the constitution.

"*Second Caution.* That in all elections of magistrates, they have an especial eye upon the public, in making choice of such persons only as have appeared most eminent and active in the establishment and love of freedom."

But suppose any of the people should love their friends better than liberty, and themselves better than the public, as nine tenths of the people did in the purest moments of Grecian and Roman liberty, even when Aristides appeared as a rare phenomenon in one, and Cincinnatus in the other? In such case they will vote for their friends, though royalists, papists, malignants, or call them by what name you will. In our author's "Right Constitution" many will vote for a treat, many for a job, some for exemption from punishment for a crime, some for a monopoly, and some for the promise of an office. This will not be virtuous, but how can you help that?

"In the hands of those," says our author, "who have appeared most eminent and active in the establishment of freedom, may be safely placed the guardianship of liberty; because such men have made the public interest and their own all one, and therefore will neither betray nor desert it in prosperity or adversity."

This was modestly bespeaking unlimited confidence for Oliver Cromwell and his associates; and such blind, rash confidence has surrendered the liberties of all nations; but it is not the language nor the maxim of liberty; her universal precept should be, *trust not to human nature, without a control, the conduct of my cause.*

To lay it down "as a certain rule, that if any person be admitted into power that loves not the commonwealth above all other considerations, such a man is (as we say) every man's money; any state-merchant may have him for a factor; and for good consideration he will often make returns upon the public interest, have a stock going in every party, and with men of every opinion; and, if occasion serve, truck with the common enemy and commonwealth, both together," is perhaps to rely upon a patriotism that never existed in any whole nation. It is to be feared the commonwealth would suffer in most countries; but admitting so exalted an opinion of the patriotism of any given country, it will still remain true, that there will be differences of sentiment

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concerning the good of the commonwealth; and the parties formed by these divisions, if uncontrolled, will have all the ill consequences that have been pointed out. The more sincerely parties love the republic, with so much the more ardor will they pursue their own notions of its good. Aristotle's opinion, in the first book of his Politics, "Per negligentiam mutatur status reipublicæ, cum ad potestates assumuntur illi qui presentem statum non amant; the form of a commonwealth is then altered by negligence, when those men are taken into power who do not love the present establishment," may be well founded; and yet it may not follow that it is safe to trust omnipotence to those who are well affected, nay, even to those who really love the commonwealth above all other things, and prefer her good to their own, since that character may change, and those virtues, too, may not be accompanied with so many motives and so many advantages of information, in what the good of the public consists, as may be had in a division and mixture of powers.

It is a good rule "to avoid those who hate the commonwealth, and those who are neutral and indifferent about it;" and no doubt "most of the broils, tumults, and civil dissensions, in free states, have been occasioned by the ambitious, treacherous, and indirect practices of such persons admitted into power, as have not been firm in their hearts to the interests of liberty." But how shall the people know whose heart will stand the trial, when so many people have been disappointed before them? Rome is again quoted as an example; and the senate are said to have garbled, perplexed, and turmoiled the people's affairs, concernments, and understandings; but although this is true, it is equally so that the people perplexed their own affairs, and those of the senate too.

The reader, who has pardoned already so many digressions, will easily excuse another in this place. The words *virtue* and *patriotism* might have been enumerated among those of various and uncertain signification. Montesquieu's Spirit of Laws is a very useful collection of materials; but is it too irreverent to say that it is an unfinished work?* He defines a republican government to be "that in which the body, or only a part of the

* C'est le portefeuille d'un homme d'esprit, qui a été jeté par la fenêtre et ramassé par des sots, said Voltaire.

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people, is possessed of the supreme power." * This agrees with Johnson's definition, "a state in which the government is more than one." "When the body of the people," says Montesquieu,† "in a republic, are possessed of the supreme power, this is called a democracy; when the supreme power is lodged in the hands of a part of the people, it is then an aristocracy." And again, ‡ "it is the nature of a republican government, that either the collective body of the people, or particular families, should be possessed of the sovereign power." "In a popular state, virtue is the necessary spring of government. As virtue is necessary in a popular government, so it is necessary also under an aristocracy. True it is, that in the latter it is not so absolutely requisite." §

Does this writer mean that honor and fear, the former of which he calls the principle of monarchy, and the latter of despotism, cannot exist in a republic? or that they are not necessary? Fear, surely, is necessary in a republican government; there can be no government without hopes and fears. Fear then, in truth, is at least one principle in every kind of government, in the simplest democracy as well as the simplest despotism. This arrangement, so exact and systematical in appearance, and which has been celebrated as a discovery of the principles of all government, is by no means satisfactory, since virtue and honor cannot be excluded from despotisms, nor fear nor virtue from monarchies, nor fear nor honor from republics; but at least it is apparent that in a republic, constituted as we propose, the three principles of fear, honor, and virtue, unite and produce more union among the citizens, and give greater energy to the laws.

But not to enlarge on this, let us proceed to the inquiry, what is virtue? It is not that classical virtue which we see personified in the choice of Hercules, and which the ancient philosophers summed up in four words, — prudence, justice, temperance, and fortitude. It is not Christian virtue, so much more sublime, which is summarily comprehended in universal benevolence. What is it then? According to Montesquieu,‖ it should seem to be merely a negative quality; the absence only of ambition

* *Spirit of Laws*, book ii. c. 1.
† B. ii. c. 2.
‡ B. iii. c. 2.
§ B. iii. cc. 3 and 4.
‖ B. iii. c. 3.

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and avarice; and he thinks that what he thus advances is confirmed by the unanimous testimony of historians. But is this matter well considered? Look over the history of any republic, and can you find a period in it, in which ambition and avarice do not appear in very strong characters, and in which ambitious men were not the most popular? In Athens, Pisistratus and his successors were more popular, as well as ambitious, than Solon, Themistocles than Aristides, &c. In Rome, under the kings, the eternal plots of the nobles against the lives of the kings, to usurp their thrones, are proofs of an ardent and unbridled ambition. Nay, if we attentively examine the most virtuous characters, we shall find unequivocal marks of an ardent ambition. The elder Brutus, Camillus, Regulus, Curius, Æmilius, Cato, all discover an ambition, a thirst of glory, as strong as that of Cæsar; an honorable ambition, an ambition governed by justice, if you will; but an ambition still. But there is not a period in Athenian or Roman annals, when great characters did not appear actuated by ambition of another kind; an unjust and dishonorable ambition; such as Pisistratus, Themistocles, Appius Claudius, &c.; and these characters were always more popular than the others, and were supported chiefly by plebeians, not senates and patricians. If the absence of avarice is necessary to republican virtue, can you find any age or country in which republican virtue has existed? That single characters, or a few among the patricians, have existed, who were exempt from avarice, has been already admitted; but that a moment ever existed, in any country, where property was enjoyed, when the body of the people were universally or even generally exempted from avarice, is not easy to prove. Every page of the history of Rome appears equally marked with ambition and avarice; and the only difference appears in the means and objects. In some periods the nation was extremely poor, in others immensely rich; but the passions existed in all; and the Roman soldiers and common people were forever quarrelling with their most virtuous generals, for refusing to indulge their avarice, by distributing the spoils among them, and for loving the public too well, by putting the booty into the public treasury.

Shall we say then that republican virtue is nothing but simple poverty; and that poverty alone can support such a government? But Montesquieu tells us,* virtue in a republic, is a love of the

* Book v. cc. 2, 3.

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republic; virtue in a democracy, is a love of the democracy; and why might he not have said, that virtue in a monarchy is a love of the monarchy; in a despotism, of the despot; in a mixed government, of the mixture? Men in general love their country and its government. Can it be proved that Athenians loved Athens, or Romans, Rome, more than Frenchmen love France, or Englishmen their island?

There are two principal causes of discrimination; the first is, the greatness or smallness of the state. A citizen of a small republic, who knows every man and every house in it, appears generally to have the strongest attachment to it, because nothing can happen in it that does not interest and affect his feelings; but in a great nation, like France or England, a man is, as it were, lost in the crowd; there are very few persons that he knows, and few events that will much affect him; yet you will find him as much attached to his circle of friends and knowledge as the inhabitant of the small state. The second is, the goodness or badness of the constitution, the climate, soil, &c. Other things being equal, that constitution, whose blessings are the most felt, will be most beloved; and accordingly we find, that governments the best ordered and balanced have been most beloved, as Sparta, Athens, Carthage, Rome, and England, and we might add Holland, for there has been, in practice and effect, a balance of three powers in that country, though not sufficiently defined by law. Moral and Christian, and political virtue, cannot be too much beloved, practised, or rewarded; but to place liberty on that foundation only would not be safe; but it may be well questioned, whether love of the body politic is precisely moral or Christian virtue, which requires justice and benevolence to enemies as well as friends, and to other nations as well as our own. It is not true, in fact, that any people ever existed who loved the public better than themselves, their private friends, neighbors, &c., and therefore this kind of virtue, this sort of love, is as precarious a foundation for liberty as honor or fear; it is the laws alone that really love the country, the public, the whole better than any part; and that form of government which unites all the virtue, honor, and fear of the citizens, in a reverence and obedience to the laws, is the only one in which liberty can be secure, and all orders, and ranks, and parties, compelled to prefer the public good before their own; that is the government for which we plead.

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The first magistrate may love himself, and family, and friends better than the public, but the laws, supported by the senate, commons, and judges, will not permit him to indulge it; the senate may love themselves, their families, and friends, more than the public, but the first magistrate, commons, and judges, uniting in support of public law, will defeat their projects; the common people, or their representatives, may love themselves and partial connections better than the whole, but the first magistrate, senate, and judges, can support the laws against their enterprises; the judges may be partial to men or factions, but the three branches of the legislature, united to the executive, will easily bring them back to their duty. In this way, and in no other, can our author's rule be always observed, "to avoid all who hate the commonwealth, and those who are neutral and indifferent about it."

Montesquieu adds,* "a love of democracy is that of equality." But what passion is this? Every man hates to have a superior, but no man is willing to have an equal; every man desires to be superior to all others. If the meaning is, that every citizen loves to have every other brought down to a level with himself, this is so far true, but is not the whole truth. When every man is brought down to his level, he wishes them depressed below him; and no man will ever acknowledge himself to be upon a level or equality with others, till they are brought down lower than him.

Montesquieu subjoins, "a love of the democracy is likewise that of frugality." This is another passion not easily to be found in human nature. A passion for frugality, perhaps, never existed in a nation, if it ever did in an individual. It is a virtue; but reason and reflection prove the necessity and utility of this virtue; and, after all, it is admired and esteemed more than beloved. But to prove that nations, as bodies, are never actuated by any such passion for frugality, it is sufficient to observe that no nation ever practised it but from necessity. Poor nations only are frugal, rich ones always profuse; excepting only some few instances, when the passion of avarice has been artfully cultivated, and has become the habitual national character; but the passion of avarice is not a love of frugality

* *Spirit of Laws*, book v. chap. 3.

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Is there, or is there not, any solid foundation for these doubts? Must we bow with reverence to this great master of laws, or may we venture to suspect that these doctrines of his are spun from his imagination? Before he delivered so many grave lessons upon democracies, he would have done well to have shown when or where such a government existed. Until some one shall attempt this, one may venture to suspect his love of equality, love of frugality, and love of the democracy, to be fantastical passions, feigned for the regulation and animation of a government that never had a more solid existence than the flying island of Lagado.

Suppose we should venture to advance the following propositions, for further examination and reflection:—

1. No democracy ever did or can exist.

2. If, however, it were admitted, for argument sake, that a democracy ever did or can exist, no such passion as a love of democracy, stronger than self-love, or superior to the love of private interest, ever did, or ever can prevail in the minds of the citizens in general, or of a majority of them, or in any party or individual of them.

3. That if the citizens, or a majority of them, or any party or individual of them, in action and practice, preferred the public to their private interest, as many undoubtedly would, it would not be from any such passion as love of the democracy, but from reason, conscience, a regard to justice, and a sense of duty and moral obligation; or else from a desire of fame, and the applause, gratitude, and rewards of the public.

4. That no love of equality, at least since Adam's fall, ever existed in human nature, any otherwise than as a desire of bringing others down to our own level, which implies a desire of raising ourselves above them, or depressing them below us. That the real friends of equality are such from reflection, judgment, and a sense of duty, not from any passion, natural or artificial.

5. That no love of frugality ever existed as a passion; but always as a virtue, approved by deep and long reflection, as useful to individuals as well as the democracy.

6. That, therefore, the democracy of Montesquieu, and its principle of virtue, equality, frugality, &c., according to his definitions of them, are all mere figments of the brain, and delusive imaginations.

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7. That his passion of love of the democracy would be, in the members of the majority, only a love of the majority; in those of the minority, only a love of the minority.

8. That his love of equality would not even be pretended towards the members of the minority; but the semblance of it would only be kept up among the members of the majority.

9. That the distinction between nature and philosophy is not enough attended to; that nations are actuated by their passions and prejudices; that very few in any nation, are enlightened by philosophy or religion enough to be at all times convinced that it is a duty to prefer the public to a private interest, and fewer still are moral, honorable, or religious enough to practise such self-denial.

10. Is not every one of these propositions proved beyond dispute, by all the histories in this and the preceding volumes, by all the other histories of the world, and by universal experience?

11. That, in reality, the word democracy signifies nothing more nor less than a nation of people without any government at all, and before any constitution is instituted.

12. That every attentive reader may perceive, that the notions of Montesquieu, concerning a democracy, are imaginations of his own, derived from the contemplation of the reveries of Xenophon and Plato, concerning equality of goods, and community of wives and children, in their delirious ideas of a perfect commonwealth.

13. That such reveries may well be called delirious, since, besides all the other arguments against them, they would not extinguish the family spirit, or produce the equality proposed; because, in such a state of things, one man would have twenty wives, while another would have none, and one woman twenty lovers, while others would languish in obscurity, solitude, and celibacy.

Third Caution. A third caution is, "that in all their elections of any into the supreme court, or councils, they be not led by any bent of faction, alliance, or affection, and that none be taken in but purely upon the account of merit."

This is the rule of virtue, wisdom, and justice; and if all the people were wise and just they would follow it; but how shall we make them so, when the law of God, in nature and in reve-

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lation, has not yet effected it? Harrington thinks, that advising men to be mannerly at the public table, will not prevent some from carving for themselves the best parts, and more than their shares. Putting "men in authority who have a clear reputation of transcendent honesty and wisdom, tends," no doubt, "to silence gainsayers, and draw the consent and approbation of all the world;" but how shall we prevent some from getting in, who are transcendent only in craft, hypocrisy, knavery, or folly? The best way that can be conceived of surely is, to separate the executive power from the legislative; make it responsible to one part of the legislature, on the impeachment of another, for the use of its power of appointment to offices, and to appoint two assemblies in the legislature, that the errors of one may be corrected by the other.

"*Fourth Caution.* To avoid false charges, accusations, and calumniations against persons in authority, which are the greatest abuses and blemishes of liberty, and have been the most frequent causes of tumult and dissension;" though "it is the secret of liberty, that all magistrates and public officers be kept in an accountable state, liable to render an account of their behavior and actions, and that the people have freedom to accuse whom they please."

Difficult as it is to reconcile these necessary rules in a free government, where an independent grand jury protects the reputation of the innocent, and where a senate judges of the accusations of the commons, how can it be done in a simple democracy, where a powerful majority, in a torrent of popularity, influences the appointment of grand and petit juries, as well as the opinion of the judges, and where a triumphant party in the legislature is both accuser and judge? Is there not danger that an accuser belonging to the minor party will be punished for calumniation, though his complaint is just; and that an accused of the minor party will be found guilty, though innocent; and an accused of the major party acquitted, though guilty? It is ridiculous to hope that magistrates and public officers will be really responsible in such a government, or that calumniations will be discountenanced except on one side of the house. The ostracisms and petalisms of antiquity, however well intended against suspected men, were soon perverted by party, and turned against the best men and the least suspicious; and in the same

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manner it is obvious, that responsibility and calumniation in a simple democracy will be mere instruments in the hands of the majority, to be employed against the best men of an opposite party, and to screen the worst in their own. The Romans, by their caution to retain in full force and virtue that decree of the senate, called Turpilianum, whereby a severe fine was set on the heads of all calumniators and false accusers, at the same time that they retained the freedom of keeping all persons accountable, and accusing whom they pleased, although they preserved their state a long time from usurpation of men in power on one side, and from popular clamor and tumult on the other side, we must remember, had a senate to check the people, as well as to be checked by them; and yet even this mixture did not prevent the Gracchi, Marius, Sylla, and Cæsar, from usurping, nor the people from being tumultuous, as soon as they obtained even an equality with the senate; so that their example cannot convince us that either of these rules can be observed in a simple democracy; on the contrary, it is a proof that the more perfect the balance of power, the more exactly both these necessary rules may be observed.

"*Fifth Caution.* A fifth caution is, that as, by all means, they should beware of ingratitude and unhandsome returns to such as have done eminent services for the commonwealth; so it concerns them, for the public peace and security, not to impose a trust in the hands of any person or persons, further than as they may take it back again at pleasure. The reason is, *honores mutant mores.* Accessions and continuations of power expose the mind to temptations; they are sails too big for any bulk of mortality to steer an even course by."

How is this consistent with what is said under the head of the second caution? "In the hands of such as have appeared most eminent and active in the establishment and love of liberty, the guardianship of liberty may be safely placed; because such men have made the public interest and their own, all one, and therefore will never betray nor desert it, in prosperity or adversity."

In short, our author inculcates a confidence and diffidence, at the same time, that seem irreconcilable. Under this head he is diffident.

"The kingdoms of the world are baits that seldom fail; none

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but He that was more than man could have refused them. How many free states, by trusting their own servants too far, have been forced to receive them for their masters! Immoderate power lets in high thoughts. The spirit of ambition is a spirit of giddiness; it foxes men, makes them drunk, mere sots, *non compos mentis*, hurried on without fear or wit. All temptations and opportunities of ambition must be removed, or there will arise a necessity of tumult and civil dissension; the common consequence whereof hath ever been a ruin of the public freedom."

How is it possible for a man who thinks in this manner to propose his "Right Constitution," where the whole authority being in one representative assembly, the utmost latitude, temptation, and opportunity are given to private ambition! What has a rich and ambitious man to do, but stand candidate for an election in a town where he has many relations, much property, numerous dependents? There can be no difficulty in getting chosen. When once in, he has a vote in the disposal of every office, the appointment of every judge, and the distribution of all the public money. May not he and others join together to vote for such as will vote for them? A man once in, has twice as much power to get in again at the next election, and every day adds accessions, accumulations, and continuations of power to him.

"Cæsar, who first took arms upon the public score, and became the people's leader, letting in ambitious thoughts, soon shook hands with his first friends and principles, and became another man, and turned his arms on the public liberty."

And has not every nation, and city, and assembly many Cæsars in it? When private men look to the people for public offices and commands, that is, when the people claim the executive power, they will at first be courted, then deceived, and then betrayed. "Thus did Sylla serve the senate, and Marius the people;" thus every simple government is served. But where the executive appoints, and the legislative pay, it is otherwise; where one branch of a legislative can accuse, and another condemn, where both branches of the legislature can accuse before the executive, private commanders must always have a care; they may be disarmed in an instant. Pisistratus, Agathocles, Cosmo, Soderini, Savonarola, Castruccio, and Orange, all quoted by our author, are all examples in point, to show that simple democra-

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cies and unbalanced mixtures can never take a trust back again, when once committed to an ambitious commander. That this caution, therefore, may be observed, and trust taken back at pleasure, when ill managed, or in danger of being so, no government is equal to the tripartite composition.

Ninth Rule. The ninth rule is, "that it be made an unpardonable crime to incur the guilt of treason against the interest and majesty of the people."

It was treason in Brutus's sons to conspire the restoration of Tarquin. So their father judged it; but it was the interest and majesty of the senate, here, that was held to be the interest and majesty of the people. The treason of Mælius and Manlius, too, was against the majesty of the senate, and in favor of the majesty of the people. The treason of the Decemviri, too, was against the senate, and so was that of Cæsar. In Venice, too, it is treason to think of conspiring with the people against the aristocracy, as much as it was in Rome. It is treason to betray secrets both in Venice and in Rome; the guilty were hanged upon a gibbet, or burnt alive.

No doubt a simple democracy would make it treason to introduce an aristocracy or a monarchy; but how could they punish it, when the man who commits it has the army, the judges, the bishops, and a majority of the assembly and people, too, at his devotion? How can secrecy in a simple democracy be kept, where the numbers are so great, and where constituents can call to account? or how can it be punished when betrayed, when so many will betray it; when a member of the majority betrays it, to serve the cause of the majority? "It is treason in Venice for a senator to receive gifts or pensions from a foreign prince or state." But as, according to the heathen proverb, "the gods themselves may be taken with gifts," how can you prevent them from being taken by the majority in a simple democracy? Thuanus, who says, "the King of France needs not use much labor to purchase an interest with any prince or state in Italy, unless it be the Venetian republic, where all foreign pensioners and compliances are punished with utmost severity, but escape well enough in other places," might have added, that no difficulty would ever be found to purchase an interest in a simple democracy, or in any other simple, uncontrolled assembly. In a simple democracy, no great sum would

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would be required to purchase elections for proper instruments, or to purchase the suffrages of some already in their seats. A party pardons many crimes, as well as lesser faults. "It is treason for any Venetian senator to have any private conference with foreign ambassadors and agents; and one article of the charge, which took off Barnevelt's head, was, for that he held familiarity and converse with the Spanish ambassador in time of war." Although receiving bribes from foreign ambassadors ought to be punished with the utmost severity, and all uncommon familiarity with them avoided, as suspicious and dishonorable, such extremes as these of Venice and of Holland, in the case of Barnevelt, may as well be avoided. But in a simple democracy it will be found next to impossible to prevent foreign powers from making a party, and purchasing an interest. An ambassador will have a right to treat with all the members, as parts of the sovereignty, and therefore may have access to those who are least on their guard and most easily corrupted. But in a mixed government, where the executive is by itself, the ministers only can be purchased, who, being few, are more easily watched and punished; besides, that it is the executive power only that is managed by ministers; and this often cannot be completed but by concurrence of the legislature. The difficulties of corrupting such a government, therefore, are much greater, as both the legislative, executive, and judicial power must be all infected, or there will be danger of detection and punishment.

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CHAPTER FOURTH.

CONCLUSION.

It should have been before observed, that the Western Empire fell in the fifth century, and the Eastern in the fifteenth.

Augustulus was compelled by Odoacer, King of the Heruli, in 475, to abdicate the Western Empire, and was the last Roman who possessed the imperial dignity at Rome. The dominion of Italy fell, soon afterwards, into the hands of Theodoric the Goth. The Eastern Empire lasted many centuries afterwards, till it was annihilated by Mahomet the Great, and Constantinople was taken in the year 1453. The *interval* between the fall of these two empires, making a period of about a thousand years, is called The Middle Age.* During this term, republics without number arose in Italy; whirled upon their axles or single centres; foamed, raged, and burst, like so many waterspouts upon the ocean. They were all alike ill constituted; all alike miserable; and all ended in similar disgrace and despotism. It would be curious to pursue our subject through all of them whose records have survived the ravages of Goths, Saracens, and bigoted Christians; through those other republics of Castile, Arragon, Catalonia, Galicia, and all the others in Spain; through those in Portugal; through the several provinces that now compose the kingdom of France; through those in Germany, Sweden, Denmark, Holland, England, Scotland, Ireland, &c. But, if such a work should be sufficiently encouraged by the public, (which is not probable, for mankind, in general, dare not as yet read or think upon Constitutions,) it is too extensive for my forces, and ought not to be done in so much haste. The preceding has been produced upon the spur of a particular occasion, which made it necessary to write and publish with precipitation, or it might have been useless to have published at all. The whole has been done in the midst of other occupa-

* Barbeyrac's Preface to his *History of Ancient Treaties*. *Corps Dipl.* tom. xxii. Harris's *Philological Inquiries*, part iii. chap. 1.

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tions, in so much hurry, that scarce a moment could be spared to correct the style, adjust the method, pare off excrescences, or even obliterate repetitions, in all which respects it stands in need of an apology. The investigation may be pursued to any length.

All nations, from the beginning, have been agitated by the same passions. The principles developed here will go a great way in explaining every phenomenon that occurs in the history of government. The vegetable and animal kingdoms, and those heavenly bodies whose existence and movements we are as yet only permitted faintly to perceive, do not appear to be governed by laws more uniform or certain than those which regulate the moral and political world. Nations move by unalterable rules; and education, discipline, and laws, make the greatest difference in their accomplishments, happiness, and perfection. It is the master artist alone who finishes his building, his picture, or his clock. The present actors on the stage have been too little prepared by their early views, and too much occupied with turbulent scenes, to do more than they have done. Impartial justice will confess that it is astonishing they have been able to do so much. It is for the young to make themselves masters of what their predecessors have been able to comprehend and accomplish but imperfectly.

A prospect into futurity in America, is like contemplating the heavens through the telescopes of Herschell. Objects stupendous in their magnitudes and motions strike us from all quarters, and fill us with amazement! When we recollect that the wisdom or the folly, the virtue or the vice, the liberty or servitude, of those millions now beheld by us, only as Columbus saw these times in vision,* are certainly to be influenced, perhaps decided, by the manners, examples, principles, and political institutions of the present generation, that mind must be hardened into stone that is not melted into reverence and awe. With such affecting scenes before his eyes, is there, can there be, a young American indolent and incurious; surrendered up to dissipation and frivolity; vain of imitating the loosest manners of countries, which can never be made much better or much worse? A profligate American youth must be profligate indeed, and richly merits the scorn of all mankind.

* Barlow's *Vision of Columbus.*

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The world has been too long abused with notions, that climate and soil decide the characters and political institutions of nations. The laws of Solon and the despotism of Mahomet have, at different times, prevailed at Athens; consuls, emperors, and pontiffs have ruled at Rome. Can there be desired a stronger proof, that policy and education are able to triumph over every disadvantage of climate? Mankind have been still more injured by insinuations, that a certain celestial virtue, more than human, has been necessary to preserve liberty. Happiness, whether in despotism or democracy, whether in slavery or liberty, can never be found without virtue. The best republics will be virtuous, and have been so; but we may hazard a conjecture, that the virtues have been the effect of the well ordered constitution, rather than the cause. And, perhaps, it would be impossible to prove that a republic cannot exist even among highwaymen, by setting one rogue to watch another; and the knaves themselves may in time be made honest men by the struggle.

It is now in our power to bring this work to a conclusion with unexpected dignity. In the course of the last summer, two authorities have appeared, greater than any that have been before quoted, in which the principles we have attempted to defend have been acknowledged.

The first is, an ORDINANCE of Congress, of the thirteenth of July, 1787, for the Government of the Territory of the United States, Northwest of the River Ohio.

The second is, the REPORT of the Convention at Philadelphia, of the seventeenth of September, 1787.

The former confederation of the United States was formed upon the model and example of all the confederacies, ancient and modern, in which the federal council was only a diplomatic body. Even the Lycian, which is thought to have been the best, was no more. The magnitude of territory, the population, the wealth and commerce, and especially the rapid growth of the United States, have shown such a government to be inadequate to their wants; and the new system, which seems admirably calculated to unite their interests and affections, and bring them to an uniformity of principles and sentiments, is equally well combined to unite their wills and forces as a single nation. A result of accommodation cannot be supposed to reach the ideas of perfection of any one; but the conception of such an idea, and the

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deliberate union of so great and various a people in such a plan, is, without all partiality or prejudice, if not the greatest exertion of human understanding, the greatest single effort of national deliberation that the world has ever seen. That it may be improved is not to be doubted, and provision is made for that purpose in the report itself. A people who could conceive, and can adopt it, we need not fear will be able to amend it, when, by experience, its inconveniences and imperfections shall be seen and felt.[1]

[1] Dr. Price, whose publication gave rise to this work, seems to have been convinced by it. In a letter addressed to the author, he says, —

"I cannot be sorry that I have given occasion for your book, by the publication of M. Turgot's *Letter*. At the time of this publication, I was entirely ignorant that you had delivered any opinion, with respect to the sentiment in the passage to which you have objected. I have lately written several letters to America, and in some of them I have taken occasion to mention your publication, and to say that you have convinced me of the main point which it is intended to prove; and that I wish I had inserted a note to signify the difference of opinion between M. Turgot and me on that point. The subject of civil government, next to religion, is of the highest importance to mankind. It is now, I believe, better understood than ever it was. Your book will furnish a help towards further improvement, and your country will, I hope, give such an example of this improvement as will be useful to the world."

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DISCOURSES

ON

DAVILA.

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DISCOURSES

ON

D A V I L A ;

A

SERIES OF PAPERS

ON

POLITICAL HISTORY.

BY AN AMERICAN CITIZEN.

NON PONEBAT RUMORES ANTE SALUTEM.

"Truths would you teach, or save a sinking land,
All fear, none aid you, and few understand.

"'Twas then the studious head, or gen'rous mind,
Foll'wer of God, or friend of human kind,

. . . . .

"Taught Power's due use to people and to kings,
Taught nor to slack nor strain its tender strings,
The less or greater set so justly true,
That touching one must strike the other too;
Till jarring interests, of themselves create
Th' according music of a well-mix'd state.
Such is the world's great harmony, that springs
From order, union, full consent of things;
Where small and great, where weak and mighty, made
To serve, not suffer, strengthen, not invade;
More powerful each, as needful to the rest,
And in proportion as it blesses, blest."

POPE.

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Mr. Adams returned to the United States in 1788, just as the organization of government under the new constitution of the United States was taking place. He became the first Vice-President, having received more votes than any one, excepting Washington, under the original provision of that instrument, which made no distinction in the votes given to the candidates for the two highest offices; and presided in the senate throughout the critical period of the adoption of all the organic laws necessary for the execution of the new system. It was during the first year of this service, that he undertook to write the following series of papers in the *Gazette of the United States*, at Philadelphia, as a sequel to his volumes of *The Defence*. They were stimulated mainly by the manifest tendencies of the revolution in France, but mediately by the publication of the Marquis Condorcet, entitled "*Quatre Lettres d'un Bourgeois de New Haven, sur l'Unité de la Législation*," being a defence of the position formerly taken by M. Turgot. They furnished, however, to the partisans of the day so much material for immediate political use in the contest just then beginning, that the author deemed it best to desist, and they were left incomplete.

Fifteen years afterwards, when Mr. Adams was withdrawn from political life, the papers were collected in Boston, and published by Russell and Cutler, in one volume, with the following preface, not from his hand. The motto, however, was furnished by him.

A copy of this edition remains in the author's library given by him to the town of Quincy, and in it are a considerable number of marginal notes, made as late as the year 1812–13, in his handwriting. Such of them as are in any way interesting are inserted in the present work.

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PREFACE.

SINCE the publication of these *Discourses*, in 1790, our observations abroad and experience at home, have sufficiently taught us the lessons they were intended to inculcate; and the evils they were designed to prevent, have borne testimony of their truth.

It is unnecessary to mention the rank or reputation of the supposed author, to give celebrity to the work. The *Discourses* are allowed, by the best judges, to form a complete essay on associated man, in which practical improvement is drawn from profound investigation; his principles of action, as an individual, traced to their effects in his relative capacity; and, from the light of history, and a thorough knowledge of his nature, his past disasters are made subservient to his present and future happiness.

The maxims inculcated in these *Discourses* are calculated to secure virtue, by laying a restraint upon vice; to give vigor and durability to the tree of liberty, by pruning its excrescences; and to guard it against the tempest of faction, by the protection of a firm and well-balanced government.

A work combining so much excellence, on a subject of such dignity and importance, cannot be too much appreciated. . . . . .

Conceiving it to be both useful and honorable to their country, the editors are desirous of preserving it from the inevitable wreck of a newspaper publication; and believing the work will not fail of being approved by their fellow-citizens, they now transmit it to the public in a more durable form, without the aid of subscription or private patronage.*

"Two factions, drunk with enthusiasm, and headed by men of the most desperate ambition, desolated France." *Remarks on the History of England.*

BOSTON, *March*, 1805.

* The writer of this preface is unknown to me. I only furnished the quotation at the bottom from Bolingbroke's *Remarks*, &c. JOHN ADAMS.

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DISCOURSES ON DAVILA.[1]

THIS dull, heavy volume, still excites the wonder of its author, — first, that he could find, amidst the constant scenes of business and dissipation in which he was enveloped, time to write it; secondly, that he had the courage to oppose and publish his own opinions to the universal opinion of America, and, indeed, of all mankind. Not one man in America then believed him. He knew not one and has not heard of one since who then believed him. The work, however, powerfully operated to destroy his popularity. It was urged as full proof, that he was an advocate for monarchy, and laboring to introduce a hereditary president in America. J. A. 1812.

I.

Felix, quem faciunt aliena pericula cautum.

"THE French nation, known in antiquity under the appellation of the Franks, were originally from the heart of Germany. In the declension of the Roman Empire, they inhabited a country in the north, along the river Rhine, situated between Bavaria and Saxony, which still preserves the name of Franconia. Having

[1] Henrico Caterino Davila. *Dell' Istoria delle Guerre civili di Francia.*

This Italian writer, at one time so popular, has never been much known in America. He treats of a period of French history, perhaps more suggestive of reflection than any other, scarcely excepting the latest, and has the further merit of writing from personal observation of men and things. His work, of which fifteen thousand copies are said to have been sold in a single year, has been many times republished in the original, and has been repeatedly translated into French, Spanish, and English. The French translation in the library of Mr. Adams, which, judging from numerous marginal notes, he seems to have used in composing these Discourses, was made by the Abbé Mallet, and printed in three volumes, quarto, in 1757, nominally at Amsterdam, but really at Paris. An English translation, by W. Aylesbury, Esq., printed in folio, and published in London in the year 1647, is also in his library, but it does not seem to have been much consulted.

Davila is a courtly and catholic historian; but Lord Bolingbroke, in his fifth letter on the *Study of History*, recommends him very strongly as a writer equal in many respects to Livy, a recommendation which would have more authority, if it were not coupled with praise of Guicciardini, as superior to Thucydides; and Bayle, whilst finding fault with some of his statements, testifies to his substantial accuracy.

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excessively multiplied, as it happens in cold climates, their country was found not sufficiently extensive to contain them, nor fertile enough to nourish them. Excited by the example of their neighbors, they resolved, by a common voice, to divide themselves into two nations; one of which should continue to inhabit their ancient country; and the other endeavor to procure elsewhere, by the force of arms, an establishment more vast, more commodious, and more fertile. This enterprise was resolved upon, and this division made by unanimous consent. Such as were destined by lot to essay their fortune, although trained to war, and incapable of terror at the apprehension of the dangers of such an enterprise, thought, however, that they ought not to abandon it to anarchy or hazard, but to conduct it with prudence and order. To concert the measures necessary for the execution of their project, they assembled in the plains, in the neighborhood of the river *Sala*. Accustomed for many ages to live in the obedience of a prince, and thinking the monarchical state the most convenient to a people who aspire to augment their power and extend their conquests, they resolved to choose a king who should unite in his single person *all the authority of the nation*."*

Here, perhaps, Davila is incautious and incorrect; for the Franks, as well as Saxons and other German nations, though their governments were monarchical, had their grandees and people, who met and deliberated in national assemblies, whose results were often, to say the least, considered as laws. Their great misfortune was, that, while it never was sufficiently ascertained, whether the sovereignty resided in the king or in the *national assembly*, it was equally uncertain whether the king had a negative on the assembly; whether the grandees had a negative on the king or the people; and whether the people had a negative on both or either. This uncertainty will appear hereafter, in Davila himself, to mark its course in bloody characters; and the whole history of France will show, that from the first migration of the Franks from Germany to this hour, it has never been sufficiently explained and decided.

"To this supreme degree of power in the king" (as Davila proceeds) "they added, that the *crown* should be *hereditary* in the family elected; foreseeing that if it were *elective* it would be

* Turgot's ideas were equally confused. His "all authority in one centre, the nation," is just as great nonsense. J. A. 1812.

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a source of civil wars, which would prove destructive to all their enterprises. Mankind, in new establishments, generally act with sincerity and with a single view to the public good.* They listen neither to the ambition nor the interest of private persons. Pharamond was elected king by unanimous consent. He was a son of Marcomir, issue of the blood which had governed the nation for many ages; and, to an experienced valor, united a profound wisdom in the art of government. It was agreed that the same title and equal power should descend to his legitimate posterity of the male line, in default of which, the nation should return to their right of electing a new sovereign. But as unlimited authority may easily degenerate into tyranny, the Franks, at the time of the election of their king, demanded the establishment of certain perpetual and irrevocable laws, which should regulate the order of succession to the throne, and prescribe in a few words the form of government. These laws, proposed by their priests, whom they named *Saliens*, and instituted in the fields, which take their name from the river *Sala*, were originally called *Salique laws*, and have been considered, from the establishment of the monarchy, as the primitive regulations and fundamental constitutions of the kingdom.†

"Leaving their country to the old Prince Marcomir, and passing the Rhine, under the command of Pharamond, the Franks marched to the conquest of the Gauls, about the four hundred and nineteenth year of the Christian era. The Roman legions, united with the Gaulish troops, resisted Pharamond till his death. The sceptre was left to his son Clodion, an intrepid prince, in the flower of his age, who in several battles defeated the nations of the country, dissipated the Roman armies, and established himself in Belgic Gaul. Meroveus, who succeeded him, made a rapid progress; penetrated into Celtic Gaul, and extended his empire to the gates of Paris. Judging that he had conquered country enough to contain his subjects and form a state of reasonable extent, he limited the course of his exploits,

* I wish this were true in any establishments, new or old. J. A.

† See the review of this work in the *Anthology*. The writer was "a young man; a forward young man." But he did not know that the first order of nobility among the Franks were priests. It is true, the Salique laws were made by the nobility; it is also true that they were made by their priests; because the nobility and the priests were the same persons. The writer's criticism, therefore, might have been spared. J. A. 1812.

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and turned all his cares to peace, after having united under the same laws and the same name, the conquerors and the vanquished, whom he governed peaceably. He died leaving the Franks solidly established in Gaul. Such is the origin of the French monarchy, and such are her fundamental laws.

"By the dispositions of the same laws, the work of the nation, are regulated the rights and prerogatives of the princes of the blood. As each of them, in default of direct heirs, may, according to his rank, be called to the crown, their interests are necessarily connected with those of the state. The people regard these privileges as inviolable. Neither length of time nor distance of degree has ever done them any injury. All these princes preserve the rank which nature has allotted them, to succeed to the throne. They have, indeed, in the course of time, taken different names, such as those of *Valois*, of *Bourbon*, of *Orléans*, of *Angoulême*, of *Vendôme*, of *Alençon*, of *Montpensier;* but they have not by these means lost the rights attached to the royal consanguinity, and that especially of succeeding to the crown. These different branches have from time to time asserted the preeminence due to their blood. To interest them the more forcibly in the preservation of a crown, to which, in succession, they may all be called, it has been commonly made a rule, in case of the minority or absence of the lawful king, to choose for the tutors or regents of the kingdom, the princes who were nearest related. It would not indeed be natural to intrust the administration to the hands of strangers, who might destroy, or at least dismember so beautiful a state; whereas princes born of the same blood, ought, for that reason, to watch over the conservation of an inheritance which belongs to them in some sort. This right is not simply founded upon usage. The *states general* of the kingdom, in whom resides the entire power of the whole nation whom they represent,* have frequently confirmed it."

Here again we meet with another inaccuracy, if not a contradiction in Davila; or rather with another proof of that confusion of law, and that uncertainty of the sovereignty, which for fifteen hundred years has been to France the fatal source of so many calamities.† Here the sovereignty or whole power of the nation,

* Here again is the French jargon of all authority in one centre, without one clear idea. 1812.

† Misera Servitus est, ubi jus est vagum aut incognitum. 1804.

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is asserted to be in the *states general;* whereas only three pages before, he had asserted that the whole authority of the nation was united in the king.*

"These two prerogatives, of succeeding to the throne when a king dies without masculine posterity, and of governing the kingdom during the absence or minority of the legitimate sovereign, have at all times procured to the princes of the blood a great authority among the people and the best part in the government. They have applied themselves accordingly with remarkable vigilance to the administration of an empire which they regarded with justice as their patrimony. And the people, judging that they might have them one day for their first magistrates, have always shown them the more respect, as they have more than once known the younger branches to ascend the throne in default of the elder. Thus the crown has passed from the Merovingians to the Carlovingians, and finally to the Capetians; but always from male to male, in the princes of the blood of these three races. From the last of these descended the King Louis IX., whom the innocence of his life and the integrity of his manners have placed in the number of the saints. He left two sons, Philip III., surnamed the Hardy; and Robert, Earl of Clermont. Philip continued the elder branch, which reigned more than three hundred years, and took the surname of Valois. From Robert is descended the younger branch, or the House of Bourbon, so called from the province in which it possessed its settlement. This house, respectable not only by birth, which placed it near the throne, but also by the extent of its lands and riches, by the valor and number of its princes, almost all distinguished by their merit and a singular affability, arrived soon at a high degree of power. This elevation, joined to the favor of the people, excited against the Bourbons the jealousy and envy of the kings, whom this great credit and distinguished splendor displeased and alarmed. Every day brought fresh occasions of hatred, suspicion, and distrust, which several times broke out in arms. Thus in the war *for the public good*, John, Duke of Bourbon, declared himself against Louis XI.; and Louis XII., before his accession to the throne, was at war with Peter of Bourbon. The jealousies which these princes inspired into kings, exposed them sometimes to secret vexations, and sometimes to declared enmities."

* Two authorities up, neither supreme. 1812.

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We may add to this reflection of Davila, that it is extremely probable that these princes, by frequently betraying symptoms of ambition, aspiring at the throne, might give to kings just grounds of jealousy and alarm.*

Before we proceed in our discourses on Davila, it will assist us, in comprehending his narration, as well as in making many useful reflections in morals and policy, to turn our thoughts for a few moments to the constitution of the human mind. This we shall endeavor to do in our next essay.

II.

C'est là le propre de l'esprit humain, que les exemples ne corrigent personne; les sottises des pères sont perdues pour leurs enfans; il faut que chaque génération fasse les siennes.†

Men, in their primitive conditions, however savage, were undoubtedly gregarious; and they continue to be social, not only in every stage of civilization, but in every possible situation in which they can be placed. As nature intended them for society, she has furnished them with passions, appetites, and propensities, as well as a variety of faculties, calculated both for their individual enjoyment, and to render them useful to each other in their social connections. There is none among them more essential or remarkable, than the *passion for distinction.* A desire to be observed, considered, esteemed, praised, beloved, and admired by his fellows, is one of the earliest, as well as keenest dispositions discovered in the heart of man. If any one should doubt the existence of this propensity, let him go and attentively observe the journeymen and apprentices in the first workshop, or the oarsmen in a cockboat, a family or a neighborhood, the inhabitants of a house or the crew of a ship, a school or a college, a city or a village, a savage or civilized people, a hospital or a church, the bar or the exchange, a camp or a court. Wherever men, women, or children, are to be found, whether they be old or young, rich or poor, high or low, wise or foolish, ignorant or learned, every individual is seen to be strongly actu-

* Thus the Prince de Conti was in opposition to Louis XV., and the Duke of Orleans to Louis XVI.

† Frederick borrowed this from Fontenelle. J. A. 1812.

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ated by a desire to be seen, heard, talked of, approved and respected, by the people about him, and within his knowledge.

Moral writers have, by immemorial usage, a right to make a free use of the poets.

> The love of praise, howe'er conceal'd by art,
> Reigns, more or less, and glows, in every heart;
> The proud, to gain it, toils on toils endure,
> The modest shun it, but to make it sure.
> O'er globes and sceptres, now on thrones it swells,
> Now, trims the midnight lamp in college cells.
> 'T is tory, whig — it plots, prays, preaches, pleads,
> Harangues in Senates, squeaks in masquerades.
> It aids the dancer's heel, the writer's head,
> And heaps the plain with mountains of the dead;
> Nor ends with life; but nods in sable plumes,
> Adorns our hearse, and flatters on our tombs.

A regard to the sentiments of mankind concerning him, and to their dispositions towards him, every man feels within himself; and if he has reflected, and tried experiments, he has found, that no exertion of his reason, no effort of his will, can wholly divest him of it. In proportion to our affection for the notice of others is our aversion to their neglect; the stronger the desire of the esteem of the public, the more powerful the aversion to their disapprobation; the more exalted the wish for admiration, the more invincible the abhorrence of contempt. Every man not only desires the consideration of others, but he frequently compares himself with others, his friends or his enemies; and in proportion as he exults when he perceives that he has more of it than they, he feels a keener affliction when he sees that one or more of them, are more respected than himself.

This passion, while it is simply a desire to excel another, by fair industry in the search of truth, and the practice of virtue, is properly called *Emulation*. When it aims at power, as a means of distinction, it is *Ambition*. When it is in a situation to suggest the sentiments of fear and apprehension, that another, who is now inferior, will become superior, it is denominated *Jealousy*. When it is in a state of mortification, at the superiority of another, and desires to bring him down to our level, or to depress him below us, it is properly called *Envy*. When it deceives a man into a belief of false professions of esteem or admiration, or into a false opinion of his importance in the

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judgment of the world, it is *Vanity.* These observations alone would be sufficient to show, that this propensity, in all its branches, is a principal source of the virtues and vices, the happiness and misery of human life; and that the history of mankind is little more than a simple narration of its operation and effects.

There is in human nature, it is true, simple *Benevolence*, or an affection for the good of others; but alone it is not a balance for the selfish affections. Nature then has kindly added to benevolence, the desire of reputation, in order to make us good members of society. *Spectemur agendo* expresses the great principle of activity for the good of others. Nature has sanctioned the law of self-preservation by rewards and punishments. The rewards of selfish activity are life and health; the punishments of negligence and indolence are want, disease, and death. Each individual, it is true, should consider, that nature has enjoined the same law on his neighbor, and therefore a respect for the authority of nature would oblige him to respect the rights of others as much as his own. But reasoning as abstruse, though as simple as this, would not occur to all men. The same nature therefore has imposed another law, that of promoting the good, as well as respecting the rights of mankind, and has sanctioned it by other rewards and punishments. The rewards in this case, in this life, are *esteem* and *admiration* of others; the punishments are *neglect* and *contempt;* nor may any one imagine that these are not as real as the others. The desire of the esteem of others is as real a want of nature as hunger; and the neglect and contempt of the world as severe a pain as the gout or stone. It sooner and oftener produces despair, and a detestation of existence; of equal importance to individuals, to families, and to nations. It is a principal end of government to regulate this passion, which in its turn becomes a principal means of government. It is the only adequate instrument of order and subordination in society, and alone commands effectual obedience to laws, since without it neither human reason, nor standing armies, would ever produce that great effect. Every personal quality, and every blessing of fortune, is cherished in proportion to its capacity of gratifying this universal affection for the esteem, the sympathy, admiration and congratulations of the public. Beauty in the face, elegance of figure,

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grace of attitude and motion, riches, honors, every thing is weighed in the scale, and desired, not so much for the pleasure they afford, as the attention they command. As this is a point of great importance, it may be pardonable to expatiate a little upon these particulars.

Why are the personal accomplishments of beauty, elegance, and grace, held in such high estimation by mankind? Is it merely for the pleasure which is received from the sight of these attributes? By no means. The taste for such delicacies is not universal; in those who feel the most lively sense of them, it is but a slight sensation, and of shortest continuance; but those attractions command the notice and attention of the public; they draw the eyes of spectators. This is the charm that makes them irresistible. Is it for such fading perfections that a husband or a wife is chosen? Alas, it is well known, that a very short familiarity totally destroys all sense and attention to such properties; and on the contrary, a very little time and habit destroy all the aversion to ugliness and deformity, when unattended with disease or ill temper. Yet beauty and address are courted and admired, very often, more than discretion, wit, sense, and many other accomplishments and virtues, of infinitely more importance to the happiness of private life, as well as to the utility and ornament of society. Is it for the momentous purpose of dancing and drawing, painting and music, riding or fencing, that men or women are destined in this life or any other? Yet those who have the best means of education, bestow more attention and expense on those, than on more solid acquisitions. Why? Because they attract more forcibly the attention of the world, and procure a better advancement in life. Notwithstanding all this, as soon as an establishment in life is made, they are found to have answered their end, are neglected and laid aside.

Is there any thing in birth, however illustrious or splendid, which should make a difference between one man and another? If, from a common ancestor, the whole human race is descended, they are all of the same family. How then can they distinguish families into the more or the less ancient? What advantage is there in an illustration of an hundred or a thousand years? Of what avail are all these histories, pedigrees, traditions? What foundation has the whole science of genealogy

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and heraldry? Are there differences in the breeds of men, as there are in those of horses? If there are not, these sciences have no foundation in reason; in prejudice they have a very solid one. All that philosophy can say is, that there is a general presumption, that a man has had some advantages of education, if he is of a family of note. But this advantage must be derived from his father and mother chiefly, if not wholly; of what importance is it then, in this view, whether the family is twenty generations upon record, or only two?

The mighty secret lies in this:— An illustrious descent attracts the notice of mankind. A single drop of royal blood, however illegitimately scattered, will make any man or woman proud or vain. Why? Because, although it excites the indignation of many, and the envy of more, it still attracts the *attention* of the world. Noble blood, whether the nobility be hereditary or elective, and, indeed, more in republican governments than in monarchies, least of all in despotisms, is held in estimation for the same reason. It is a name and a race that a nation has been interested in, and is in the habit of respecting. Benevolence, sympathy, congratulation, have been so long associated to those names in the minds of the people, that they are become national habits. National gratitude descends from the father to the son, and is often stronger to the latter than the former. It is often excited by remorse, upon reflection on the ingratitude and injustice with which the former has been treated. When the names of a certain family are read in all the gazettes, chronicles, records, and histories of a country for five hundred years, they become known, respected, and delighted in by every body. A youth, a child of this extraction, and bearing this name, attracts the eyes and ears of all companies long before it is known or inquired whether he be a wise man or a fool. His name is often a greater distinction than a title, a star, or a garter. This it is which makes so many men proud, and so many others envious of illustrious descent. The pride is as irrational and contemptible as the pride of riches, and no more. A wise man will lament that any other distinction than that of merit should be made. A good man will neither be proud nor vain of his birth, but will earnestly improve every advantage he has for the public good. A cunning man will carefully conceal his pride; but will indulge it in secret the more effectually, and improve his advantage to

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greater profit. But was any man ever known so wise, or so good, as really to despise birth or wealth? Did you ever read of a man rising to public notice, from obscure beginnings, who was not reflected on? Although, with every liberal mind, it is an honor and a proof of merit, yet it is a disgrace with mankind in general. What a load of sordid obloquy and envy has every such man to carry! The contempt that is thrown upon obscurity of ancestry, augments the eagerness for the stupid adoration that is paid to its illustration.

This desire of the consideration of our fellow-men, and their congratulations in our joys, is not less invincible than the desire of their sympathy in our sorrows. It is a determination of our nature, that lies at the foundation of our whole moral system in this world, and may be connected essentially with our destination in a future state.

III.

O fureur de se distinguer, que ne pouvez vous point! VOLTAIRE.

WHY do men pursue riches? What is the end of avarice? The labor and anxiety, the enterprises and adventures, that are voluntarily undertaken in pursuit of gain, are out of all proportion to the utility, convenience, or pleasure of riches. A competence to satisfy the wants of nature, food and clothes, a shelter from the seasons, and the comforts of a family, may be had for very little. The daily toil of the million, and of millions of millions, is adequate to a complete supply of these necessities and conveniences. With such accommodations, thus obtained, the appetite is keener, the digestion more easy and perfect, and repose is more refreshing, than among the most abundant superfluities and the rarest luxuries. For what reason, then, are any mortals averse to the situation of the farmer, mechanic, or laborer? Why do we tempt the seas and encompass the globe? Why do any men affront heaven and earth to accumulate wealth, which will forever be useless to them? Why do we make an ostentatious display of riches? Why should any man be proud of his purse, houses, lands, or gardens? or, in better words, why should the rich man glory in

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his riches? What connection can there be between wealth and pride?

The answer to all these questions is, *because riches attract the attention, consideration, and congratulations of mankind;* it is not because the rich have really more of ease or pleasure than the poor. Riches force the opinion on a man that he is the object of the congratulations of others, and he feels that they attract the complaisance of the public. His senses all inform him, that his neighbors have a natural disposition to harmonize with all those pleasing emotions and agreeable sensations, which the elegant accommodations around him are supposed to excite.

His imagination expands, and his heart dilates at these charming illusions. His attachment to his possessions increases as fast as his desire to accumulate more; not for the purposes of beneficence or utility, but from the desire of illustration.

Why, on the other hand, should any man be ashamed to make known his poverty? Why should those who have been rich, or educated in the houses of the rich, entertain such an aversion, or be agitated with such terror, at the prospect of losing their property? or of being reduced to live at a humbler table? in a meaner house? to walk, instead of riding? or to ride without their accustomed equipage or retinue? Why do we hear of madness, melancholy, and suicides, upon bankruptcy, loss of ships, or any other sudden fall from opulence to indigence, or mediocrity? Ask your reason, what disgrace there can be in poverty? What moral sentiment of approbation, praise, or honor can there be in a palace? What dishonor in a cottage? What glory in a coach? What shame in a wagon? Is not the sense of propriety and sense of merit as much connected with an empty purse as a full one? May not a man be as estimable, amiable, and respectable, attended by his faithful dog, as if preceded and followed by a train of horses and servants? All these questions may be very wise, and the stoical philosophy has her answers ready. But if you ask the same questions of nature, experience, and mankind, the answers will be directly opposite to those of *Epictetus*, namely, — that there is more respectability, in the eyes of the greater part of mankind, in the gaudy trappings of wealth, than there is in genius or learning, wisdom or virtue.

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The poor man's conscience is clear; yet he is ashamed. His character is irreproachable; yet he is neglected and despised. He feels himself out of the sight of others, groping in the dark. Mankind take no notice of him. He rambles and wanders unheeded. In the midst of a crowd, at church, in the market, at a play, at an execution, or coronation, he is in as much obscurity as he would be in a garret or a cellar. He is not disapproved, censured, or reproached; *he is only not seen.* This total inattention is to him mortifying, painful, and cruel. He suffers a misery from this consideration, which is sharpened by the consciousness that others have no fellow-feeling with him in this distress. If you follow these persons, however, into their scenes of life, you will find that there is a kind of figure which the meanest of them all endeavors to make; a kind of little grandeur and respect, which the most insignificant study and labor to procure in the small circle of their acquaintances. Not only the poorest mechanic, but the man who lives upon common charity, nay, the common beggars in the streets; and not only those who may be all innocent, but even those who have abandoned themselves to common infamy, as pirates, highwaymen, and common thieves, court a set of admirers, and plume themselves upon that superiority which they have, or fancy they have, over some others. There must be one, indeed, who is the last and lowest of the human species. But there is no risk in asserting, that there is no one who believes and will acknowledge himself to be the man. To be wholly overlooked, and to know it, are intolerable. Instances of this are not uncommon. When a wretch could no longer attract the notice of a man, woman, or child, he must be respectable in the eyes of his dog. "Who will love me then?" was the pathetic reply of one, who starved himself to feed his mastiff, to a charitable passenger, who advised him to kill or sell the animal. In this "*who will love me then?*" there is a key to the human heart; to the history of human life and manners; and to the rise and fall of empires. To feel ourselves unheeded, chills the most pleasing hope, damps the most fond desire, checks the most agreeable wish, disappoints the most ardent expectations of human nature.

Is there in science and letters a reward for the labor they require? Scholars learn the dead languages of antiquity, as well as the living tongues of modern nations; those of the east,

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as well as the west. They puzzle themselves and others with metaphysics and mathematics. They renounce their pleasures, neglect their exercises, and destroy their health, for what? Is curiosity so strong? Is the pleasure that accompanies the pursuit and acquisition of knowledge so exquisite? If *Crusoe*, on his island, had the library of *Alexandria*, and a certainty that he should never again see the face of man, would he ever open a volume? Perhaps he might; but it is very probable he would read but little. A sense of duty; a love of truth; a desire to alleviate the anxieties of ignorance, may, no doubt, have an influence on some minds. But the universal object and idol of men of letters is *reputation*. It is the *notoriety*, the *celebration*, which constitutes the charm that is to compensate the loss of appetite and sleep, and sometimes of riches and honors.

The same ardent desire of the *congratulations* of others in our joys, is the great incentive to the pursuit of honors. This might be exemplified in the career of civil and political life. That we may not be too tedious, let us instance in military glory.

Is it to be supposed that the regular standing armies of Europe engage in the service from pure motives of patriotism? Are their officers men of contemplation and devotion, who expect their reward in a future life? Is it from a sense of moral or religious duty that they risk their lives and reconcile themselves to wounds? Instances of all these kinds may be found. But if any one supposes that all or the greater part of these heroes are actuated by such principles, he will only prove that he is unacquainted with them. Can their pay be considered as an adequate encouragement? This, which is no more than a very simple and moderate subsistence, would never be a temptation to renounce the chances of fortune in other pursuits, together with the pleasures of domestic life, and submit to this most difficult and dangerous employment. No, it is the consideration and the chances of laurels which they acquire by the service.

The soldier compares himself with his fellows, and contends for promotion to be a corporal. The corporals vie with each other to be sergeants. The sergeants will mount breaches to be ensigns. And thus every man in an army is constantly aspiring to be something higher, as every citizen in the commonwealth is constantly struggling for a better rank, that he may draw the observation of more eyes.

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IV.

Such bribes the rapid Greek o'er Asia hurled;
For such, the steady Romans shook the world.

In a city or a village, little employments and trifling distinctions are contended for with equal eagerness, as honors and offices in commonwealths and kingdoms.

What is it that bewitches mankind to marks and signs? A ribbon? a garter? a star? a golden key? a marshal's staff? or a white hickory stick? Though there is in such frivolities as these neither profit nor pleasure, nor any thing amiable, estimable, or respectable, yet experience teaches us, in every country of the world, they attract the attention of mankind more than parts or learning, virtue or religion. They are, therefore, sought with ardor, very often, by men possessed in the most eminent degree, of all the more solid advantages of birth and fortune, merit and services, with the best faculties of the head, and the most engaging recommendations of the heart.

Fame has been divided into three species. *Glory*, which attends the great actions of lawgivers and heroes, and the management of the great commands and first offices of state. *Reputation*, which is cherished by every gentleman. And *Credit*, which is supported by merchants and tradesmen. But even this division is incomplete, because the desire and the object of it, though it may be considered in various lights and under different modifications, is not confined to gentlemen nor merchants, but is common to every human being. There are no men who are not ambitious of distinguishing themselves and growing considerable among those with whom they converse. This ambition is natural to the human soul. And as, when it receives a happy turn, it is the source of private felicity and public prosperity, and when it errs, produces private uneasiness and public calamities; it is the business and duty of private prudence, of private and public education, and of national policy, to direct it to right objects. For this purpose it should be considered, that to every man who is capable of a worthy conduct, the pleasure from the approbation of worthy men is exquisite and inexpressible.

It is curious to consider the final causes of things, when the physical are wholly unknown. The intellectual and moral quali-

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ties are most within our power, and undoubtedly the most essential to our happiness. The personal qualities of health, strength, and agility, are next in importance. Yet the qualities of fortune, such as birth, riches, and honors, though a man has less reason to esteem himself for these than for those of his mind or body, are everywhere acknowledged to glitter with the brightest lustre in the eyes of the world.

As virtue is the only rational source and eternal foundation of honor, the wisdom of nations, in the titles they have established as the marks of order and subordination, has generally given an intimation, not of personal qualities, nor of the qualities of fortune; but of some particular virtues, more especially becoming men in the high stations they possess. Reverence is attributed to the clergy; veneration to magistrates; honor to senators; serenity, clemency, or mildness of disposition to princes. The sovereign authority and supreme executive have commonly titles that designate power as well as virtue, — as *majesty* to kings; *magnificent*, *most honored*, and *sovereign lords* to the government of Geneva; *noble mightinesses* to the States of Friesland; *noble and mighty lords* to the States of Guelderland; *noble, great, and venerable lords* to the regency of Leyden; *noble and grand mightinesses* to the States of Holland; *noble, great, and venerable lords*, the regency of Amsterdam; *noble mightinesses*, the States of Utrecht; and *high mightinesses*, the States General.

A death bed, it is said, shows the emptiness of titles. That may be. But does it not equally show the futility of riches, power, liberty, and all earthly things? "The cloud-capt towers, the gorgeous palaces, the solemn temples, the great globe itself," appear "the baseless fabric of a vision," and "life itself, a tale, told by an idiot, full of sound and fury, signifying nothing." Shall it be inferred from this, that fame, liberty, property, and life, shall be always despised and neglected? Shall laws and government, which regulate sublunary things, be neglected because they appear baubles at the hour of death?

The wisdom and virtue of all nations have endeavored to regulate the passion for respect and distinction, and to reduce it to some order in society, by titles marking the gradations of magistracy, to prevent, as far as human power and policy can prevent, collisions among the passions of many pursuing the

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same objects, and the rivalries, animosities, envy, jealousy, and vengeance which always result from them.

Has there ever been a nation who understood the human heart better than the Romans, or made a better use of the passion for consideration, congratulation, and distinction? They considered that, as reason is the guide of life, the senses, the imagination and the affections are the springs of activity. Reason holds the helm, but passions are the gales. And as the direct road to these is through the senses, the language of signs was employed by Roman wisdom to excite the emulation and active virtue of the citizens. *Distinctions* of *conditions*, as well as of ages, were made by difference of clothing. The laticlave or large flowing robe, studded with broad spots of purple, the ancient distinction of their kings, was, after the establishment of the consulate, worn by the senators through the whole period of the republic and the empire. The tribunes of the people were, after their institution, admitted to wear the same venerable signal of sanctity and authority. The angusticlave, or the smaller robe, with narrower studs of purple, was the distinguishing habit of Roman knights. The golden ring was also peculiar to senators and knights, and was not permitted to be worn by any other citizens. The prætext, or long white robe, reaching down to the ancles, bordered with purple, which was worn by the principal magistrates, such as consuls, prætors, censors, and sometimes on solemn festivals by senators. The chairs of ivory; the lictors; the rods; the axes; the crowns of gold; of ivory; of flowers; of herbs; of laurel branches; and of oak leaves; the civil and the mural crowns; their ovations; and their triumphs; every thing in religion, government, and common life, among the Romans, was parade, representation, and ceremony. Every thing was addressed to the emulation of the citizens, and every thing was calculated to attract the attention, to allure the consideration and excite the congratulations of the people; to attach their hearts to individual citizens according to their merit; and to their lawgivers, magistrates, and judges, according to their rank, station, and importance in the state. And this was in the true spirit of republics, in which form of government there is no other consistent method of preserving order, or procuring submission to the laws. To such means as these, or to force and a standing army, recourse must be had for the guardianship of

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laws and the protection of the people. It is universally true, that in all the republics now remaining in Europe, there is, as there ever has been, a more constant and anxious attention to such forms and marks of distinctions than there is in the monarchies.*

The policy of Rome was exhibited in its highest perfection, in the triumph of Paulus Æmilius over Perseus. It was a striking exemplification of congratulation and sympathy, contrasted with each other. Congratulation with the conqueror; sympathy with the captive; both suddenly changed into sympathy with the conqueror. The description of this triumph is written with a pomp of language correspondent to its dazzling magnificence. The representation of the king and his children must excite the pity of every reader who is not animated with the ferocious sentiments of Roman insolence and pride. Never was there a more moving lesson of the melancholy lot of humanity, than the contrasted fortunes of the Macedonian and the Roman. The one divested of his crown and throne, led in chains, with his children before his chariot; the other, blazing in gold and purple, to the capitol. This instructive lesson is given us by the victor himself, in a speech to the people. "My triumph, Romans, as if it had been in derision of all human felicity, has been interposed between the funerals of my children, and both have been exhibited as spectacles before you. Perseus, who himself a captive, saw his children led with him in captivity, now enjoys them in safety. I, who triumphed over him, having ascended the capitol, from the funeral chariot of one of my sons, descended from that capitol to see another expire. In the house of Paulus none remains but himself.† But your felicity, Romans, and the prosperous fortune of the public, is a consolation to me under this destruction of my family."

It is easy to see how such a scene must operate on the hearts of a nation; how it must affect the passion for distinction; and how it must excite the ardor and virtuous emulation of the citizens.

* Our mock funerals of Washington, Hamilton, and Ames, our processions, escorts, public dinners, balls, &c., are more expensive, more troublesome, and infinitely less ingenious. J. A. 1812.

† Logan. Not one drop of Logan's blood remains. *Jefferson's Notes.*

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V.

The senate's thanks, the Gazette's pompous tale,
With force resistless o'er the brave prevail.
This power has praise, that virtue scarce can warm,
Till fame supplies the universal charm. JOHNSON.

THE result of the preceding discourses is, that avarice and ambition, vanity and pride, jealousy and envy, hatred and revenge, as well as the love of knowledge and desire of fame, are very often nothing more than various modifications of that desire of the attention, consideration, and congratulations of our fellow men, which is the great spring of social activity; that all men compare themselves with others, especially those with whom they most frequently converse, those who, by their employments or amusements, professions or offices, present themselves most frequently at the same time to the view and thoughts of that public, little or great, to which every man is known; that emulations and rivalries naturally and necessarily are excited by such comparisons; that the most heroic actions in war, the sublimest virtues in peace, and the most useful industry in agriculture, arts, manufactures, and commerce, proceed from such emulations on the one hand, and jealousies, envy, enmity, hatred, revenge, quarrels, factions, seditions, and wars on the other. The final cause of this constitution of things is easy to discover. Nature has ordained it, as a constant incentive to activity and industry, that, to acquire the attention and complacency, the approbation and admiration of their fellows, men might be urged to constant exertions of beneficence. By this destination of their natures, men of all sorts, even those who have the least of reason, virtue or benevolence, are chained down to an incessant servitude to their fellow creatures; laboring without intermission to produce something which shall contribute to the comfort, convenience, pleasure, profit, or utility of some or other of the species, they are really thus constituted by their own vanity, slaves to mankind. Slaves, I say again. For what a folly is it! On a selfish system, what are the thoughts, passions, and sentiments of mankind to us?

"What's fame? A fancied life in others' breath."

What is it to us what shall be said of us after we are dead? Or in Asia, Africa, or Europe, while we live? There is no

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greater possible or imaginable delusion. Yet the impulse is irresistible. The language of nature to man in his constitution is this, — "I have given you reason, conscience, and benevolence; and thereby made you accountable for your actions, and capable of virtue, in which you will find your highest felicity. But I have not confided wholly in your laudable improvement of these divine gifts. To them I have superadded in your bosoms a passion for the notice and regard of your fellow mortals, which, if you perversely violate your duty, and wholly neglect the part assigned you in the system of the world and the society of mankind, shall torture you from the cradle to the grave."

Nature has taken effectual care of her own work. She has wrought the passions into the texture and essence of the soul, and has not left it in the power of art to destroy them. To regulate and not to eradicate them is the province of policy. It is of the highest importance to education, to life, and to society, not only that they should not be destroyed, but that they should be gratified, encouraged, and arranged on the side of virtue. To confine our observations at present to that great leading passion of the soul, which has been so long under our consideration. What discouragement, distress, and despair, have not been occasioned by its disappointment? To consider one instance, among many, which happen continually in schools and colleges. Put a supposition of a pair of twin brothers who have been nourished by the same nurse, equally encouraged by their parents and preceptors, with equal genius, health, and strength, pursuing their studies with equal ardor and success. One is at length overtaken by some sickness, and in a few days the other, who escapes the influenza, is advanced some pages before him. This alone will make the studies of the unfortunate child, when he recovers his health, disgustful. As soon as he loses the animating hope of preëminence, and is constrained to acknowledge a few others of his form or class, his superiors, he becomes incapable of industrious application. Even the fear of the ferule or the rod, will after this be ineffectual. The terror of punishment, by forcing attention, may compel a child to perform a task, but can never infuse that ardor for study, which alone can arrive at great attainments. Emulation really seems to produce genius, and the desire of superiority to create talents. Either this, or the reverse of it, must be true; and

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genius produces emulation, and natural talents, the desire of superiority; for they are always found together, and what God and nature have united, let no audacious legislator presume to put asunder.

When the love of glory enkindles in the heart, and influences the whole soul, then, and only then, may we depend on a rapid progression of the intellectual faculties. The awful feeling of a mortified emulation, is not peculiar to children. In an army, or a navy, sometimes the interest of the service requires, and oftener perhaps private interest and partial favor prevail, to promote officers over their superiors or seniors. But the consequence is, that those officers can never serve again together. They must be distributed in different corps, or sent on different commands. Nor is this the worst effect. It almost universally happens, that the superseded officer feels his heart broken by his disgrace. His mind is enfeebled by grief, or disturbed by resentment; and the instances have been very rare, of any brilliant action performed by such an officer. What a monument to this character of human nature is the long list of yellow admirals in the British service! Consider the effects of similar disappointments in civil affairs. Ministers of state are frequently displaced in all countries; and what is the consequence? Are they seen happy in a calm resignation to their fate? Do they turn their thoughts from their former employments, to private studies or business? Are they men of pleasant humor, and engaging conversation? Are their hearts at ease? Or is their conversation a constant effusion of complaints and murmurs, and their breast the residence of resentment and indignation, of grief and sorrow, of malice and revenge? Is it common to see a man get the better of his ambition, and despise the honors he once possessed; or is he commonly employed in projects upon projects, intrigues after intrigues, and manœuvres on manœuvres, to recover them? So sweet and delightful to the human heart is that complacency and admiration, which attends public offices, whether they are conferred by the favor of a prince, derived from hereditary descent, or obtained by election of the people, that a mind must be sunk below the feelings of humanity, or exalted by religion or philosophy far above the common character of men, to be insensible, or to conquer its sensibility. Pretensions to such conquests are not uncommon; but the sincerity of such

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pretenders is often rendered suspicious, by their constant conversation and conduct, and even by their countenances. The people are so sensible of this, that a man in this predicament is always on the compassionate list, and, except in cases of great resentment against him for some very unpopular principles or behavior, they are found to be always studying some other office for a disappointed man, to console him in his affliction. In short, the theory of education, and the science of government, may be reduced to the same simple principle, and be all comprehended in the knowledge of the means of actively conducting, controlling, and regulating the emulation and ambition of the citizens.

VI.

"Haud facile emergunt, quorum virtutibus obstat
Res angusta domi." JUVENAL.

"This mournful truth is everywhere confess'd,
Slow rises Worth, by Poverty depressed." JOHNSON.

IF we attempt to analyze our ideas still further upon this subject, we shall find, that the expressions we have hitherto used, *attention*, *consideration*, and *congratulation*, comprehend with sufficient accuracy the general object of the passion for distinction, in the greater part of mankind. There are not a few — from him who burned a temple, to the multitudes who plunge into low debauchery — who deliberately seek it by crimes and vices. The greater number, however, search for it, neither by vices nor virtues; but by the means which common sense and every day's experience show, are most sure to obtain it; by riches, by family records, by play, and other frivolous personal accomplishments. But there are a few, and God knows, but a few, who aim at something more. They aim at approbation as well as attention; at esteem as well as consideration; and at admiration and gratitude, as well as congratulation. Admiration is, indeed, the complete idea of approbation, congratulation, and wonder, united. This last description of persons is the tribe out of which proceed your patriots and heroes, and most of the great benefactors to mankind. But for our humiliation, we must still remember, that even in these esteemed, beloved, and adored characters, the passion, although refined by the purest moral senti-

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ments, and intended to be governed by the best principles, is a passion still; and therefore, like all other human desires, unlimited and insatiable. No man was ever contented with any given share of this human adoration. When Cæsar declared that he had lived enough to glory, Cæsar might deceive himself, but he did not deceive the world, who saw his declaration contradicted by every action of his subsequent life. Man constantly craves for more, even when he has no rival. But when he sees another possessed of more, or drawing away from himself a part of what he had, he feels a mortification, arising from the loss of a good he thought his own. His desire is disappointed; the pain of a want unsatisfied, is increased by a resentment of an injustice, as he thinks it. He accuses his rival of a theft or robbery, and the public of taking away what was his property, and giving it to another. These feelings and resentments are but other names for jealousy and envy; and altogether, they produce some of the keenest and most tormenting of all sentiments. These fermentations of the passions are so common and so well known, that the people generally presume, that a person in such circumstances, is deprived of his judgment, if not of his veracity and reason. It is too generally a sufficient answer to any complaint, to any fact alleged, or argument advanced, to say that it comes from a disappointed man.

There is a voice within us, which seems to intimate, that real merit should govern the world; and that men ought to be respected only in proportion to their talents, virtues, and services. But the question always has been, how can this arrangement be accomplished? How shall the men of merit be discovered? How shall the proportions of merit be ascertained and graduated? Who shall be the judge? When the government of a great nation is in question, shall the whole nation choose? Will such a choice be better than chance? Shall the whole nation vote for senators? Thirty millions of votes, for example, for each senator in France! It is obvious that this would be a lottery of millions of blanks to one prize, and that the chance of having wisdom and integrity in a senator by hereditary descent would be far better. There is no individual personally known to an hundredth part of the nation. The voters, then, must be exposed to deception, from intrigues and manœuvres without number, that is to say, from all the chicanery, impos-

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tures, and falsehoods imaginable, with scarce a possibility of preferring real merit. Will you divide the nation into districts, and let each district choose a senator? This is giving up the idea of national merit, and annexing the honor and the trust to an accident, that of living on a particular spot. A hundred or a thousand men of the first merit in a nation, may live in one city, and none at all of this description in several whole provinces. Real merit is so remote from the knowledge of whole nations, that were magistrates to be chosen by that criterion alone, and by a universal suffrage, dissensions and venality would be endless. The difficulties, arising from this source, are so obvious and universal, that nations have tried all sorts of experiments to avoid them.

As no appetite in human nature is more universal than that for honor, and real merit is confined to a very few, the numbers who thirst for respect, are out of all proportion to those who seek it only by merit. The great majority trouble themselves little about merit, but apply themselves to seek for honor, by means which they see will more easily and certainly obtain it, by displaying their taste and address, their wealth and magnificence, their ancient parchments, pictures, and statues, and the virtues of their ancestors; and if these fail, as they seldom have done, they have recourse to artifice, dissimulation, hypocrisy, flattery, imposture, empiricism, quackery, and bribery. What chance has humble, modest, obscure, and poor merit in such a scramble? Nations, perceiving that the still small voice of merit was drowned in the insolent roar of such dupes of impudence and knavery in national elections, without a possibility of a remedy, have sought for something more permanent than the popular voice to designate honor. Many nations have attempted to annex it to land, presuming that a good estate would at least furnish means of a good education; and have resolved that those who should possess certain territories, should have certain legislative, executive, and judicial powers over the people. Other nations have endeavored to connect honor with offices; and the names and ideas at least of certain moral virtues and intellectual qualities have been by law annexed to certain offices, as veneration, grace, excellence, honor, serenity, majesty. Other nations have attempted to annex honor to families, without regard to lands or offices. The Romans allowed none, but those

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who had possessed curule offices, to have statues or portraits. He who had images or pictures of his ancestors, was called noble. He who had no statue or pictures but his own, was called a new man. Those who had none at all, were ignoble. Other nations have united all those institutions; connected lands, offices, and families; made them all descend together, and honor, public attention, consideration, and congratulation, along with them.

This has been the policy of Europe; and it is to this institution she owes her superiority in war and peace, in legislation and commerce, in agriculture, navigation, arts, sciences, and manufactures, to Asia and Africa.* These families, thus distinguished by property, honors, and privileges, by defending themselves, have been obliged to defend the people against the encroachments of despotism. They have been a civil and political militia, constantly watching the designs of the standing armies, and courts; and by defending their own rights, liberties, properties, and privileges, they have been obliged, in some degree, to defend those of the people, by making a common cause with them. But there were several essential defects in this policy; one was, that the people took no rational measures to defend themselves, either against these great families, or the courts. They had no adequate representation of themselves in the sovereignty. Another was, that it never was determined where the sovereignty resided. Generally it was claimed by kings; but not admitted by the nobles. Sometimes every baron pretended to be sovereign in his own territory; at other times, the sovereignty was claimed by an assembly of nobles, under the name of States or Cortes. Sometimes the united authority of the king and states was called the sovereignty. The common people had no adequate and independent share in the legislatures, and found themselves harassed to discover who was the sovereign, and whom they ought to obey, as much as they ever had been or could be to determine who had the most merit. A thousand years of barons' wars, causing universal darkness, ignorance, and barbarity, ended at last in simple monarchy, not by express stipulation, but by tacit acquiescence, in almost all Europe; the people preferring

* This is a truth; but by no means a justification of the system of nobility in France, nor in other parts of Europe. Not even in England without a more equitable representation of the Commons in the legislature. J. A. 1812.

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a certain sovereignty in a single person, to endless disputes, about merit and sovereignty, which never did and never will produce any thing but aristocratical anarchy; and the nobles contenting themselves with a security of their property and privileges, by a government of fixed laws, registered and interpreted by a judicial power, which they called sovereign tribunals, though the legislation and execution were in a single person.

In this system to control the nobles, the church joined the kings and common people. The progress of reason, letters, and science, has weakened the church and strengthened the common people; who, if they are honestly and prudently conducted by those who have their confidence, will most infallibly obtain a share in every legislature. But if the common people are advised to aim at collecting the whole sovereignty in single national assemblies, as they are by the Duke de la *Rochefoucauld* and the Marquis of *Condorcet;* or at the abolition of the regal executive authority; or at a division of the executive power, as they are by a posthumous publication of the Abbé de *Mably*,* they will fail of their desired liberty, as certainly as emulation and rivalry are founded in human nature, and inseparable from civil affairs. It is not to flatter the passions of the people, to be sure, nor is it the way to obtain a present enthusiastic popularity, to tell them that in a single assembly they will act as arbitrarily and tyrannically as any despot, but it is a sacred truth, and as demonstrable as any proposition whatever, that a sovereignty in a single assembly must necessarily, and will certainly be exercised by a majority, as tyrannically as any sovereignty was ever exercised by kings or nobles. And if a balance of passions and interests is not scientifically concerted, the present struggle in Europe will be little beneficial to mankind,† and produce nothing but another thousand years of feudal fanaticism, under new and strange names.

* Witness the quintuple directory and the triumvirate consulate. J. A.
† Witness France and Europe in 1813. J. A.

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VII.

'Tis from high life high characters are drawn,
A saint in *crape* is twice a saint in *lawn*. POPE.

PROVIDENCE, which has placed one thing over against another, in the moral as well as physical world, has surprisingly accommodated the qualities of men to answer one another. There is a remarkable disposition in mankind to congratulate with others in their joys and prosperity, more than to sympathize with them in their sorrows and adversity. We may appeal to experience. There is less disposition to congratulation with genius, talents, or virtue, than there is with beauty, strength, and elegance of person; and less with these than with the gifts of fortune and birth, wealth and fame. The homage of the world is devoted to these last in a remarkable manner. Experience concurs with religion in pronouncing, most decisively, that this world is not the region of virtue or happiness; both are here at school, and their struggles with ambition, avarice, and the desire of fame, appear to be their discipline and exercise. The gifts of fortune are more level to the capacities, and more obvious to the notice of mankind in general; and congratulation with the happiness or fancied happiness of others is agreeable; sympathy with their misery is disagreeable. From the former sources we derive pleasure, from the latter pain. The sorrow of the company at a funeral may be more profitable to moral purposes, by suggesting useful reflections, than the mirth at a wedding; but it is not so vivid nor so sincere. The acclamations of the populace, at an ovation or triumph, at a coronation or installation, are from the heart, and their joy is unfeigned. Their grief at a public execution is less violent at least. If their feelings at such spectacles were very distressing they would be less eager to attend them. What is the motive of that ardent curiosity to see sights and shows of exultation; the processions of princes; the ostentation of wealth; the magnificence of equipage, retinue, furniture, buildings, and entertainment? There is no other answer to be given to these questions than the gayety of heart, the joyous feelings of congratulation with such appearances of felicity. And for the vindication of the ways of God to man, and the perpetual consolation of the many who are spectators, it is certainly true that

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their pleasure is always as great, and commonly much greater, than that of the few who are the actors.

National passions and habits are unwieldy, unmanageable, and formidable things. The number of persons in any country who are known even by name or reputation to all the inhabitants is, and ever must be, very small. Those whose characters have attracted the affections, as well as the attention of a whole people, acquire an influence and ascendency that it is difficult to resist. In proportion as men rise higher in the world, whether by election, descent, or appointment, and are exposed to the observation of greater numbers of people, the effects of their own passions and of the affections of others for them become more serious, interesting, and dangerous. In elective governments, where first magistrates and senators are at stated intervals to be chosen, these, if there are no parties, become at every fresh election more known, considered, and beloved by the whole nation. But if the nation is divided into two parties, those who vote for a man, become the more attached to him for the opposition that is made by his enemies. This national attachment to an elective first magistrate, where there is no competition, is very great. But where there is a competition, the passions of his party are inflamed by it into a more ardent enthusiasm. If there are two candidates, each at the head of a party, the nation becomes divided into two nations, each of which is, in fact, a moral person, as much as any community can be so, and are soon bitterly enraged against each other.

It has been already said, that in proportion as men rise higher in the world, and are exposed to the observation of greater numbers, the effects of these passions are more serious and alarming. Impressions on the feelings of the individual are deeper; and larger portions of mankind become interested in them. When you rise to the first ranks and consider the first men, — a nobility who are known and respected at least, perhaps habitually esteemed and beloved by a nation; princes and kings, on whom the eyes of all men are fixed, and whose every motion is regarded, — the consequences of wounding their feelings are dreadful, because the feelings of a whole nation, and sometimes of many nations, are wounded at the same time. If the smallest variation is made in their situation, relatively to each other; if one who was inferior is raised to be superior, unless it be by fixed laws, whose

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evident policy and necessity may take away disgrace, nothing but war, carnage, and vengeance has ever been the usual consequence of it. In the examples of the houses, Valois and Bourbon, Guise and Montmorenci, Guise and Bourbon, and Guise and Valois, we shall see very grave effects of these feelings; and the history of a hundred years, which followed, is nothing but a detail of other, and more tragical effects of similar causes.

To any one who has never considered the force of *national attention, consideration, and congratulation*, and the causes, natural and artificial, by which they have been excited, it will be curious to read, in Plato's *Alcibiades*, the manner in which these national attachments to their kings were created by the ancient Persians. The policy of the modern monarchies of Europe seems to be an exact imitation of that of the Persian court, as it is explained by the Grecian philosopher. In France, for example, the pregnancy of the queen is announced with great solemnity to the whole nation. Her majesty is scarcely afflicted with a pain which is not formally communicated to the public. To this embryo the minds of the whole nation are turned; and they follow him, day by day, in their thoughts, till he is born. The whole people have a right to be present at his birth; and as many as the chamber will hold, crowd in, till the queen and prince are almost suffocated with the loyal curiosity and affectionate solicitude of their subjects. In the cradle, the principal personages of the kingdom, as well as all the ambassadors, are from time to time presented to the royal infant. To thousands who press to see him, he is daily shown from the nursery. Of every step in his education, and of every gradation of his youthful growth, in body and mind, the public is informed in the gazettes. Not a stroke of wit, not a sprightly sally, not a trait of generous affection, can escape him, but the world is told of it, and, very often, pretty fictions are contrived for the same purpose, where the truth will not furnish materials. Thus it becomes the national fashion, it is the *tone* of the city and the court, to think and converse daily about the dauphin. When he accedes to the throne, the same attention is continued till he dies.

In elective governments, something very like this always takes place towards the first character. His person, countenance, character, and actions, are made the daily contemplation and

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conversation of the whole people. Hence arises the danger of a division of this attention. Where there are rivals for the first place, the national attention and passions are divided, and thwart each other; the collision enkindles fires; the conflicting passions interest all ranks; they produce slanders and libels first, mobs and seditions next, and civil war, with all her hissing snakes, burning torches, and haggard horrors at last.

This is the true reason, why all civilized free nations have found, by experience, the necessity of separating from the body of the people, and even from the legislature, the distribution of honors, and conferring it on the executive authority of government. When the emulation of all the citizens looks up to one point, like the rays of a circle from all parts of the circumference, meeting and uniting in the centre, you may hope for uniformity, consistency, and subordination; but when they look up to different individuals, or assemblies, or councils, you may expect all the deformities, eccentricities, and confusion, of the Polemic system.

VIII.

Wise, if a minister; but if a king,
More wise, more learn'd, more just, more every thing. POPE.

THERE is scarcely any truth more certain, or more evident, than that the *noblesse* of Europe are, in general, less happy than the common people. There is one irrefragable proof of it, which is, that they do not maintain their own population. Families, like stars or candles, which you will, are going out continually; and without fresh recruits from the plebeians, the nobility would in time be extinct. If you make allowances for the state, which they are condemned by themselves and the world to support, they are poorer than the poor; deeply in debt; and tributary to usurious capitalists, as greedy as the Jews. The kings of Europe, in the sight of a philosopher, are the greatest slaves on earth, how often soever we may call them despots, tyrants, and other rude names, in which our pride and vanity take a wonderful delight; they have the least exercise of their inclinations, the least personal liberty, and the least free indulgence of their passions, of any men alive. Yet how rare are the instances of

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resignations, and how universal is the ambition to be noble, and the wish to be royal.

Experience and philosophy are lost upon mankind. The attention of the world has a charm in it, which few minds can withstand. The people consider the condition of the great in all those delusive colors, in which imagination can paint and gild it, and reason can make little resistance to this impetuous propensity. To better their condition, to advance their fortunes, without limits, is the object of their constant desire, the employment of all their thoughts by day and by night. They feel a peculiar sympathy with that pleasure, which they presume those enjoy, who are already powerful, celebrated, and rich. "We favor," says a great writer, "all their inclinations, and forward all their wishes. What pity, we think, that any thing should spoil and corrupt so agreeable a situation; we could even wish them immortal; and it seems hard to us, that death should at last put an end to such perfect enjoyment. It is cruel, we think, in nature to compel them from their exalted stations to that humble, but hospitable home, which she has provided for all her children. Great king, live forever! is the compliment, which, after the manner of eastern adulation, we should readily make them, if experience did not teach us its absurdity. Every calamity that befalls them, every injury that is done them, excites in the breast of the spectator ten times more compassion and resentment than he would have felt, had the same things happened to other men. It is the misfortunes of kings only, which afford the proper subjects for tragedy; they resemble, in this respect, the misfortunes of lovers. Those two situations are the chief which interest us upon the theatre; because, in spite of all that reason and experience can tell us to the contrary, the prejudices of the imagination attach to these two states a happiness superior to any other. To disturb or to put an end to such perfect enjoyment, seems to be the most atrocious of all injuries. The traitor who conspires against the life of his monarch, is thought a greater monster than any other murderer. All the innocent blood that was shed in the civil wars, provoked less indignation than the death of Charles I. A stranger to human nature, who saw the indifference of men about the misery of their inferiors, and the regret and indignation which they feel for the misfortunes and sufferings of those above them, would

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be apt to imagine, that pain must be more agonizing, and the convulsions of death more terrible, to persons of higher rank than to those of meaner stations.

"Upon this disposition of mankind, to go along with all the passions of the rich and the powerful, is founded the distinction of ranks, and the order of society. Our obsequiousness to our superiors more frequently arises from our admiration for the advantages of their situation, than from any private expectations of benefit from their good will. Their benefits can extend but to a few; but their fortunes interest almost everybody. We are eager to assist them in completing a system of happiness that approaches so near to perfection; and we desire to serve them for their own sake, without any other recompense but the vanity or the honor of obliging them. Neither is our deference to their inclinations founded chiefly, or altogether, upon a regard to the utility of such submission, and to the order of society, which is best supported by it. Even when the order of society seems to require that we should oppose them, we can hardly bring ourselves to do it. That kings are the servants of the people, to be obeyed, resisted, deposed, or punished, as the public conveniency may require, is the doctrine of reason and philosophy; but it is not the doctrine of nature. Nature would teach us to submit to them, for their own sake, to tremble and bow down before their exalted station, to regard their smile as a reward sufficient to compensate any services, and to dread their displeasure, though no other evil were to follow from it, as the severest of all mortifications. To treat them in any respect as men, to reason and dispute with them upon ordinary occasions, requires such resolution, that there are few men whose magnanimity can support them in it, unless they are likewise assisted by familiarity and acquaintance. The strongest motives, the most furious passions, fear, hatred, and resentment, are scarce sufficient to balance this natural disposition to respect them; and their conduct must, either justly or unjustly, have excited the highest degree of all those passions, before the bulk of the people can be brought to oppose them with violence, or to desire to see them either punished or deposed. Even when the people have been brought to this length, they are apt to relent every moment, and easily relapse into their habitual state of deference. They cannot stand the mortification of their monarch. Compassion

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soon takes the place of resentment, they forget all past provocations, their old principles of loyalty revive, and they run to reestablish the ruined authority of their old masters, with the same violence with which they had opposed it. The death of Charles I. brought about the restoration of the royal family. Compassion for James II., when he was seized by the populace in making his escape on shipboard, had almost prevented the revolution, and made it go on more heavily than before.

"Do the great seem insensible of the easy price at which they may acquire the public admiration; or do they seem to imagine that to them, as to other men, it must be the purchase either of sweat or of blood? By what important accomplishments is the young nobleman instructed to support the dignity of his rank, and to render himself worthy of that superiority over his fellow-citizens, to which the virtue of his ancestors had raised them? Is it by knowledge, by industry, by patience, by self-denial, or by virtue of any kind? As all his words, as all his motions are attended to, he learns an habitual regard to every circumstance of ordinary behavior, and studies to perform all those small duties, with the most exact propriety. As he is conscious how much he is observed, and how much mankind are disposed to favor all his inclinations, he acts, upon the most indifferent occasions, with that freedom and elegance which the thought of this naturally inspires. His air, his manner, his deportment, all mark that elegant and graceful sense of his own superiority, which those who are born to inferior stations can hardly ever arrive at. These are the arts, by which he proposes to make mankind more easily submit to his authority, and to govern their inclinations according to his own pleasure; and in this he is seldom disappointed. These arts, supported by rank and preëminence, are, upon ordinary occasions, sufficient to govern the world.

"But it is not by accomplishments of this kind, that the man of inferior rank must hope to distinguish himself. Politeness is so much the virtue of the great, that it will do little honor to any body but themselves. The coxcomb, who imitates their manner, and affects to be eminent by the superior propriety of his ordinary behavior, is rewarded with a double share of contempt for his folly and presumption. Why should the man whom nobody thinks it worth while to look at, be very anxious about the manner in which he holds up his head, or disposes of

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his arms, while he walks through a room? He is occupied surely with a very superfluous attention, and with an attention, too, that marks a sense of his own importance, which no other mortal can go along with. The most perfect modesty and plainness, joined to as much negligence as is consistent with the respect due to the company, ought to be the chief characteristics of the behavior of a private man. If ever he hopes to distinguish himself, it must be by more important virtues; he must acquire dependents to balance the dependents of the great; and he has no other fund to pay them from, but the labor of his body, and the activity of his mind. He must cultivate these, therefore; he must acquire superior knowledge in his profession, and superior industry in the exercise of it; he must be patient in labor, resolute in danger, and firm in distress. These talents he must bring into public view, by the difficulty, importance, and at the same time, good judgment, of his undertakings, and by the severe and unrelenting application with which he pursues them. Probity and prudence, generosity and frankness, must characterize his behavior upon all ordinary occasions; and he must at the same time, be forward to engage in all those situations, in which it requires the greatest talents and virtues to act with propriety; but in which the greatest applause is to be acquired by those who can acquit themselves with honor. With what impatience does the man of spirit and ambition, who is depressed by his situation, look round for some great opportunity to distinguish himself? No circumstances, which can afford this appear to him undesirable; he even looks forward with satisfaction to the prospect of foreign war, or civil dissension; and with secret transport and delight, sees, through all the confusion and bloodshed which attend them, the probability of those wished-for occasions presenting themselves, in which he may draw upon himself the attention and admiration of mankind. The man of rank and distinction, on the contrary, whose whole glory consists in the propriety of his ordinary behavior; who is contented with the humble renown which this can afford him, and has no talents to acquire any other; is unwilling to embarrass himself with what can be attended either with difficulty or distress. To figure at a ball is his great triumph; he has an aversion to all public confusions, not from want of courage, for in that he is seldom defective, but from a consciousness that he

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possesses none of the virtues which are required in such situations, and that the public attention will certainly be drawn away from him by others; he may be willing to expose himself to some little danger, and to make a campaign, when it happens to be the fashion; but he shudders with horror at the thought of any situation which demands the continual and long exertion of patience, industry, fortitude, and application of thought. These virtues are hardly ever to be met with in men who are born to those high stations. In all governments, accordingly, even in monarchies, the highest offices are generally possessed, and the whole detail of the administration conducted, by men who were educated in the middle and inferior ranks of life, who have been carried forward by their own industry and abilities, though loaded with the jealousy, and opposed by the resentment of all those who were born their superiors, and to whom the great, after having regarded them, first with contempt, and afterwards with envy, are at last contented to truckle with the same abject meanness, with which they desire that the rest of mankind should behave to themselves.

"It is the loss of this easy empire over the affections of mankind which renders the fall from greatness so insupportable. When the family of the King of Macedon was led in triumph by Paulus Æmilius, their misfortunes made them divide with their conqueror the attention of the Roman people. The sight of the royal children, whose tender age rendered them insensible of their situation, struck the spectators, amidst the public rejoicings and prosperity, with the tenderest sorrow and compassion. The King appeared next in the procession, and seemed like one confounded and astonished, and bereft of all sentiment, by the greatness of his calamities. His friends and ministers followed after him. As they moved along, they often cast their eyes upon their fallen sovereign, and always burst into tears at the sight; their whole behavior demonstrating that they thought not of their own misfortunes, but were occupied entirely by the superior greatness of his. The generous Romans, on the contrary, beheld him with disdain and indignation, and regarded as unworthy of all compassion the man who could be so mean-spirited as to bear to live under such calamities. Yet what did those calamities amount to? He was to spend the remainder of his days in a state which, in itself, should

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seem worthy of envy; a state of plenty, ease, leisure, and security, from which it was impossible for him, even by his own folly, to fall. But he was no longer to be surrounded by that admiring mob of fools, flatterers, and dependents, who had formerly been accustomed to attend upon all his motions; he was no longer to be gazed upon by multitudes, nor to have it in his power to render himself the object of their respect, their gratitude, their love, their admiration. The passions of nations were no longer to mould themselves upon his inclinations. This was that insupportable calamity which bereaved the King of all sentiment; which made his friends forget their own misfortunes; and which the Roman magnanimity could scarce conceive how any man could be so mean-spirited as to bear to survive.

"To those who have been accustomed to the possession, or even to the hope of public admiration, all other pleasures sicken and decay.

"Of such mighty importance does it appear to be, in the imaginations of men, to stand in that situation which sets them most in the view of general sympathy and attention; and thus, place, that great object which divides the wives of aldermen, is the end of half the labors of human life; and is the cause of all the tumult and bustle, all the rapine and injustice, which avarice and ambition have introduced into this world. People of sense, it is said, indeed, despise place; that is, they despise sitting at the head of the table, and are indifferent who it is that is pointed out to the company by that frivolous circumstance, which the smallest advantage is capable of overbalancing. But rank, distinction, preëminence, no man despises."[1]

IX.

Heroes, proceed! What bounds your pride shall hold?
What check restrain your thirst of power and gold? JOHNSON.

THE answer to the question in the motto can be none other than this, that, as nature has established in the bosoms of heroes no limits to those passions; and as the world, instead of re-

[1] Adam Smith. *Theory of Moral Sentiments*, vol. i. pp. 125 – 141.

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straining, encourages them, the check must be in the form of government.

The world encourages ambition and avarice, by taking the most decided part in their favor. The Roman world approved of the ambition of Cæsar; and, notwithstanding all the pains that have been taken, with so much reason, by moral and political writers to disgrace it, the world has approved it these seventeen hundred years, and still esteems his name an honor to the first empire in Europe. Consider the story of the ambition and the fall of Cardinal Wolsey and Archbishop Laud; the indignation of the world against their tyranny has been very faint; the sympathy with their fall has been very strong. Consider all the examples in history of successful ambition, you will find none generally condemned by mankind; on the other hand, think of the instances of ambition unsuccessful and disappointed, or of falls from great heights; you find the sympathy of the world universally affected. Cruelty and tyranny of the blackest kind must accompany the story, to destroy or sensibly diminish this pity. That world, for the regulation of whose prejudices, passions, imaginations, and interests, governments are instituted, is so unjust, that neither religion, natural nor revealed, nor any thing, but a well-ordered and well-balanced government, has ever been able to correct it, and that but imperfectly. It is true, in modern London, as it was in ancient Rome, that the sympathy of the world is less excited by the destruction of the house of a man of merit in obscurity, or even in middle life, though it be by the unjust violence of men, than by the same calamity befalling a rich man, by the righteous indignation of Heaven.

Nil habuit Codrus: quis enim negat? et tamen illud
Perdidit infelix totum nihil: ultimus autem
Ærumnæ cumulus, quod nudum et frusta rogantem
Nemo cibo, nemo hospitio tectoque juvabit.
Si magna Asturii cecidit domus, horrida mater,
Pullati proceres, differt vadimonia Prætor.
Tunc gemimus casus urbis, tunc odimus ignem.
Ardet adhuc, et jam occurrit, qui marmora donet,
Conferat impensas. Hic nuda et candida signa,
Hic aliquid præclarum Euphranoris et Polycleti,
Hæc Asianorum vetera ornamenta Deorum,
Hic libros dabit et forulos mediamque Minervam,

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Hic modium argenti. Meliora et plura reponit
Persicus orborum lautissimus, ut merito jam
Suspectus, tanquam ipse suas incenderit ædes.

But, hark! th' affrighted crowd's tumultuous cries
Roll through the streets, and thunder to the skies;
Rais'd from some pleasing dream of wealth and power,
Some pompous palace, or some blissful bower,
Aghast you start, and scarce, with aching sight,
Sustain the approaching fire's tremendous light;
Swift from pursuing horrors take your way,
And leave your little all to flames a prey;
Then thro' the world a wretched vagrant roam,
For where can starving merit find a home?
In vain your mournful narrative disclose,
While all neglect, and most insult your woes.

But

Should Heavn's just bolts Orgilio's wealth confound,
And spread his flaming palace on the ground,
Swift o'er the land the dismal rumor flies,
And public mournings pacify the skies;
The laureat tribe in venal verse relate,
How virtue wars with persecuting fate;
With well-feign'd gratitude, the pension'd band
Refund the plunder of the beggar'd land.
See! while he builds, the gaudy vassals come,
And crowd with sudden wealth the rising dome;
The price of boroughs and of souls restore;
And raise his treasures higher than before.
Now bless'd with all the baubles of the great,
The polish'd marble, and the shining plate,
Orgilio sees the golden pile aspire,
And hopes from angry Heav'n another fire.

Although the verse, both of the Roman and Briton, is satire, its keenest severity consists in its truth.

X.

Order is Heaven's first law; and, this confess'd,
Some are, and must be, greater than the rest;
More rich, more wise; but who infers from hence,
That such are happier, shocks all common sense. POPE.

THE world is sensible of the necessity of supporting their favorites under the first onsets of misfortunes, lest the fall should

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be dreadful and irrecoverable; for, according to the great Master of Nature,

'Tis certain, greatness, once fallen out with fortune,
Must fall out with men too. What the declin'd is,
He shall as soon read in the eyes of others,
As feel in his own fall; for men, like butterflies,
Show not their mealy wings but to the summer;
And not a man, for being simply man,
Hath any honor; but 's honor'd for those honors
That are without him, — as place, riches, favor,
Prizes of accident as oft as merit.

Mankind are so sensible of these things, that, by a kind of instinct or intuition, they generally follow the advice of the same author: —

Take the instant way,
For honor travels in a strait so narrow,
Where one but goes abreast. Keep, then, the path,
For emulation hath a thousand sons,
That one by one pursue; if you give way,
Or hedge aside from the direct forth-right,
Like to an enter'd tide, they all rush by,
And leave you hindmost;
Or like a gallant horse fall'n in first rank,
Lie there for pavement to the abject rear,
O'errun and trampled on.

The inference, from all the contemplations and experiments which have been made, by all nations, upon these dispositions to imitation, emulation, and rivalry, is expressed by the same great teacher of morality and politics: —

Degree being vizarded,
Th' unworthiest shows as fairly in the mask.
The heavens themselves, the planets, and this centre,
Observe degree, priority, and place,
Insisture, course, proportion, season, form,
Office, and custom, in all line of order;
And, therefore, is the glorious planet Sol,
In noble eminence, enthron'd and spher'd
Amidst the other; whose med'cinable eye
Corrects the ill aspects of planets evil,
And posts, like the commandment of a king,
Sans check, to good and bad; but when the planets
In evil mixture, to disorder wander,
What plagues and what portents! what mutiny!

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What raging of the sea! Shaking of earth!
Commotion in the winds! Frights, changes, horrors,
Divert and crack, rend and deracinate,
The unity and married calm of states,
Quite from their fixure? O, when Degree is shak'd,
Which is the ladder to all high designs,
The enterprise is sick! How could communities,
Degrees in schools, and brotherhoods in cities,
The primogenitive and due of birth,
Prerogative of age, crowns, sceptres, laurels,
But by Degree, stand in authentic place?
Take but Degree away; untune that string
And hark! what discord follows! each thing meets
In mere oppugnancy. The bounded waters
Should lift their bosoms higher than the shores,
And make a sop of all this solid globe.
Strength should be lord of imbecility,
And the rude son should strike his father dead.
Force should be right; or rather, right and wrong
Should lose their names, and so should justice too.
Then every thing includes itself in power,
Power into will, will into appetite;
And appetite an universal wolf,
Must make perforce an universal prey,
And, last, eat up himself.
This chaos, when Degree is suffocate,
Follows the choking.
The General's disdain'd,
By him one step below. He, by the next;
That next, by him beneath. So every step,
Exampled by the first pace that is sick
Of his superior, grows to an envious fever
Of pale and bloodless emulation.
Troy in our weakness stands, not in her strength.
Most wisely hath Ulysses here discovered
*The Fever whereof all our power is sick.**

* The style in these quotations from Shakspeare has little of the fluency, and less of that purity, which sometimes appear in his writings; but the sense is as immortal as human nature. J. A. 1813.

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XI.

Think we, like some weak prince, th' eternal cause
Prone, for his fav'rites, to reverse his laws? POPE.

EMULATION, which is imitation and something more — a desire not only to equal or resemble, but to excel, is so natural a movement of the human heart, that, wherever men are to be found, and in whatever manner associated or connected, we see its effects. They are not more affected by it, as individuals, than they are in communities. There are rivalries between every little society in the same city; between families and all the connections by consanguinity and affinity; between trades, faculties, and professions; between congregations, parishes, and churches; between schools, colleges, and universities; between districts, villages, cities, provinces, and nations.

National rivalries are more frequently the cause of wars than the ambition of ministers, or the pride of kings. As long as there is patriotism, there will be national emulation, vanity, and pride. It is national pride which commonly stimulates kings and ministers. National fear, apprehension of danger, and the necessity of self-defence, is added to such rivalries for wealth, consideration, and power. The safety, independence, and existence of a nation, depend upon keeping up a high sense of its own honor, dignity, and power, in the hearts of its individuals, and a lively jealousy of the growing power and aspiring ambition of a neighboring state. This is well illustrated in the Political Geography, published in our newspapers from London, within a few weeks. "The jealousies and enmities, the alliances and friendships, or rather the combinations of different states and princes, might almost be learned from a map, without attention to what has passed, or is now passing in the world. Next neighbors are political enemies. States between which a common neighbor, and, therefore, a common enemy intervenes, are good friends. In this respect, Europe may be compared to a chess-board marked with the black and with the white spots of political discord and concord. Before the union between England and Scotland, a friendship and alliance subsisted for centuries between the latter of these kingdoms and France, because they were both inimical to England. For a like reason,

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before a Prince of Bourbon, in the beginning of the present century, was raised to the Spanish throne, a good understanding subsisted for the most part between England and Spain; and before the late alliance, there was peace and kindness, with little interruption, for the space of centuries, between England and the Emperor. An alliance has long subsisted between the French and the Turks, on account of the intervening dominion of the Austrians. The Swedes were long the friends of France, on account of the intervention of Holland and Denmark; and because Sweden, the friend of France, was situated in the neighborhood of the Russian territories, a friendship and commercial intercourse were established, from the very first time that Muscovy appears on the political theatre of Europe, between England and Russia. It is superfluous to multiply instances of this kind. All past history and present observation will confirm the truth of our position, — which, though very simple, is like all other simple truths, of very great importance; for, however the accidental caprices and passions of individual princes, or their ministers, may alter the relative dispositions and interests of nations for a time, there is a natural tendency to revert to the alteration already described. We have been led into these reflections by the treaty offensive and defensive, that has been formed between Sweden, Prussia, and the Sublime Porte; between Prussia and Holland; and the report, which is very probable, that a treaty offensive and defensive is on the point of being concluded between Turkey and Poland. In this chain of alliances we find the order of the chess-board adhered to, in some instances, but passed over in others. It is observed that there should be an alliance between Turkey and Sweden, and also that there should be an alliance between Poland and Turkey, because Russia intervenes between Turkey and Sweden, and Hungary between Turkey and Poland; but that there should be an alliance between Poland and Prussia is owing to particular and accidental circumstances. The two former alliances may, therefore, be expected to be lasting; the latter to be only temporary and precarious. In general, the chain of alliance, that is formed or forming among the Swedes, Prussians, Poles, Dutch, Turks, and we may say the English, is a most striking proof of the real or supposed strength and influence of the two imperial courts of Russia and Germany."

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The writer of this paragraph might have added the alliance between England and Portugal, and that between the United States of America and France. The principle of all these examples is as natural as emulation, and as infallible as the sincerity of interest. On it turns the whole system of human affairs. The Congress of 1776 were fully aware of it. With no small degree of vehemence was it urged as an argument for the declaration of independence.* With confidence and firmness was it foretold that France could not avoid accepting the propositions that should be made to her; that the Court of Versailles could not answer it to her own subjects, and that all Europe would pronounce her blind, lost, and undone, if she rejected so fair an opportunity of disembarrassing herself from the danger of so powerful and hostile a rival, whose naval superiority held all her foreign dominions, her maritime power, and commercial interest at mercy.†

But why all this of emulation and rivalry? Because, as the whole history of the civil wars of France, given us by Davila, is no more than a relation of rivalries succeeding each other in a rapid series, the reflections we have made will assist us, both to understand that noble historian, and to form a right judgment of the state of affairs in France at the present moment. They will suggest also to Americans, especially to those who have been unfriendly, and may be now lukewarm to their national constitution, ‡ some useful inquiries, such as these, for example: Whether there are not emulations of a serious complexion among ourselves? between cities and universities? between north and south? the middle and the north? the middle and the south? between one state and another? between the governments of states and the national government? and between individual patriots and heroes in all these? What is the natural remedy against the inconveniences and dangers of these rivalries? Whether a well-balanced constitution, such as that of our Union purports to be, ought not to be cordially supported by every good citizen, as our only hope of peace and our ark of safety, till its defects, if it has any, can be corrected? But it must be left to the contemplations of our state physicians to dis-

* By John Adams.

† France has thrown away all advantages by her want of wisdom.

‡ The anti-federalists. J. A. 1813.

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cover the causes and the remedy of that "*fever, whereof our power is sick.*" One question only shall be respectfully insinuated: Whether equal laws, the result only of a balanced government, can ever be obtained and preserved without some signs or other of distinction and degree?

We are told that our friends, the National Assembly of France, have abolished all distinctions. But be not deceived, my dear countrymen. Impossibilities cannot be performed. Have they levelled all fortunes and equally divided all property? Have they made all men and women equally wise, elegant, and beautiful? Have they annihilated the names of Bourbon and Montmorenci, Rochefoucauld and Noailles, Lafayette and La Moignon, Necker and De Calonne, Mirabeau and Bailly? Have they committed to the flames all the records, annals, and histories of the nation? All the copies of Mezerai, Daniel, De Thou, Velly, and a thousand others? Have they burned all their pictures, and broken all their statues? Have they blotted out of all memories, the names, places of abode, and illustrious actions of all their ancestors? Have they not still princes of the first and second order, nobles and knights? Have they no record nor memory who are the men who compose the present national assembly? Do they wish to have that distinction forgotten? Have the French officers who served in America melted their eagles and torn their ribbons? *

XII.

'Tis with our judgments as our watches — none
Go just alike, yet each believes his own. POPE.

ALL the miracles enumerated in our last number, must be performed in France, before all distinctions can be annihilated, and distinctions in abundance would be found, after all, for French gentlemen, in the history of England, Holland, Spain, Germany, Italy, America, and all other countries on the globe.

The wisdom of nations has remarked the universal consideration paid to wealth; and that the passion of avarice excited by

* How are distinctions abolished now in 1813? J. A.

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it, produced treachery, cowardice, and a selfish, unsocial meanness, but had no tendency to produce those virtues of patience, courage, fortitude, honor, or patriotism, which the service of the public required in their citizens in peace and war.

The wisdom of nations has observed that the general attention paid to birth produced a different kind of sentiments, — those of pride in the maxims and principles of religion, morals, and government, as well as in the talents and virtues, which first produced illustration to ancestors.

As the pride of wealth produced nothing but meanness of sentiment and a sordid scramble for money; and the pride of birth produced some degree of emulation in knowledge and virtue; the wisdom of nations has endeavored to employ one prejudice to counteract another; the prejudice in favor of birth, to moderate, correct, and restrain the prejudice in favor of wealth.

The national assembly of France is too enlightened a body to overlook the inquiry: What effect on the moral character of the nation would be produced, by destroying, if that were possible, all attention to families, and setting all the passions on the pursuit of gain? Whether universal venality and an incorrigible corruption in elections would not be the necessary consequence? It may be relied on, however, that the intentions of that august and magnanimous assembly are misunderstood and misrepresented. Time will develop their designs, will show them to be more judicious than to attempt impossibilities so obvious as that of the abolition of all distinctions.

Alphonsus X., the astronomical king of Castile, has been accused of impiety, for saying that "if, at the time of the creation, he had been called to the councils of the Divinity, he could have given some useful advice concerning the motions of the stars." It is not probable, that any thing was intended by him, more than a humorous sarcasm or a sneer of contempt at the Ptolemaic system, a projection of which he had before him. But if the national assembly should have seriously in contemplation, and should resolve in earnest the total abolition of all distinctions and orders, it would be much more difficult to vindicate them from an accusation of impiety. God, in the constitution of nature, has ordained that every man shall have a disposition to emulation, as well as imitation, and consequently a passion for distinction; and that all men shall not have equal

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means and opportunities of gratifying it. Shall we believe the national assembly capable of resolving that no man shall have any desire of distinction; or that all men shall have equal means of gratifying it? Or that no man shall have any means of gratifying it? What would this be better than saying, "if we had been called to the councils of the celestials, we could have given better advice in the constitution of human nature?" If nature and that assembly could be thus at variance, which however is not credible, the world would soon see which is the most powerful.

That there is already a scission in the national assembly, like all others, past, present, and to come, is most certain. There is an aristocratical party, an armed neutrality, and most probably a monarchical party; besides another division, who must finally prevail, or liberty will be lost; I mean a set of members, who are equal friends to monarchy, aristocracy, and democracy, and wish for an equal, independent mixture of all three in their constitution. Each of these parties has its chief, and these chiefs are, or will be, rivals. Religion will be both the object and the pretext of some; liberty, of others; submission and obedience of others; and levelling, downright levelling, of not a few. But the attention, consideration, and congratulations of the public will be the object of all. Situation and office will be aimed at by some of all parties. Contests and dissensions will arise between these runners in the same race. The natural and usual progress is, from debate in the assembly to discussions in print; from the search of truth and public utility in both, to sophistry and the spirit of party; evils so greatly dreaded by the ingenuous "Citizen of New Haven," to whom we have now the honor of paying our first respects, hoping that, hereafter, we may find an opportunity to make him our more particular compliments.* From sophistry and party spirit, the transition is quick and easy to falsehood, imposture, and every species of artificial evolution

* Condorcet. It was then my intention to have examined those letters at large; but the rage and fury of the Jacobinical journals against these discourses, increased as they proceeded, intimidated the printer, John Fenno, and convinced me, that to proceed would do more hurt than good. I therefore broke off abruptly. J. A. 1813.

(Condorcet's four letters are printed at the end of the first volume of M. Mazzei's *Recherches historiques et politiques sur les États Unis de l'Amérique septentrionale.*)

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and criminal intrigue. As unbalanced parties of every description can never tolerate a free inquiry of any kind, when employed against themselves, the license, and even the most temperate freedom of the press, soon excite resentment and revenge. A writer, unpopular with an opposite party, because he is too formidable in wit or argument, may first be burnt in effigy; or a printer may have his office assaulted. Cuffs and kicks, boxes and cudgels, are heard of among plebeian statesmen; challenges and single combats among the aristocratic legislators. Riots and seditions at length break men's bones, or flay off their skins. Lives are lost; and, when blood is once drawn, men, like other animals, become outrageous. If one party has not a superiority over the other, clear enough to decide every thing at its pleasure, a civil war ensues. When the nation arrives at this period of the progression, every leader, at the head of his votaries, even if you admit him to have the best intentions in the world, will find himself compelled to form them into some military arrangement, both for offence and defence; to build castles and fortify eminences, like the feudal barons. For aristocratical rivalries, and democratical rivalries too, when unbalanced against each other by some third mediating power, naturally and unfailingly produce a feudal system. If this should be the course in France, the poor, deluded, and devoted partisans would soon be fond enough of decorating their leaders with the old titles of dukes, marquises and counts, or doing any thing else to increase the power of their commander over themselves, to unite their wills and forces for their own safety and defence, or to give him weight with their enemies.*

The men of letters in France are wisely reforming one feudal system; but may they not, unwisely, lay the foundation of another? A legislature, in one assembly, can have no other termination than in civil dissension, feudal anarchy, or simple monarchy. The best apology which can be made for their fresh attempt of a sovereignty in one assembly, an idea at least as ancient in France as *Stephen Boethius*, is, that it is only intended to be momentary. If a senate had been proposed, it must have been

* See Napoleon's speech, 20 December, 1812, at the close of these discourses.

He still proceeds to exemplify the effects and consequences of rivalries, in 1813. J. A.

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formed, most probably, of princes of the blood, cardinals, archbishops, dukes, and marquises; and all these together would have obstructed the progress of the reformation in religion and government, and procured an abortion to the regeneration of France. Pennsylvania established her single assembly, in 1776, upon the same principle. An apprehension, that the Proprietary and Quaker interests would prevail, to the election of characters disaffected to the American cause, finally preponderated against two legislative councils. Pennsylvania, and Georgia, who followed her example, have found by experience the necessity of a change; and France, by the same infallible progress of reasoning, will discover the same necessity; happy, indeed, if the experiment shall not cost her more dear. That the subject is considered in this light by the best friends of liberty in Europe, appears by the words of Dr. Price, lately published in this paper: — "Had not the aristocratical and clerical orders," says that sage and amiable writer, "been obliged to throw themselves into one chamber with the commons, no reformation could have taken place, and the regeneration of the kingdom would have been impossible. And in future legislatures, were these two orders to make distinct and independent states, all that has been done would probably be soon undone. Hereafter, perhaps, when the new constitution, as now formed, has acquired strength by time, the national assembly may find it practicable, as well as expedient, to establish, by means of a third estate, such a check as now takes place in the American government, and is indispensable in the British government."*

XIII.

First follow nature; and your judgment frame
By her just standard, which is still the same. POPE.

THE world grows more enlightened. Knowledge is more equally diffused. Newspapers, magazines, and circulating libraries have made mankind wiser. Titles and distinctions, ranks and orders, parade and ceremony, are all going out of fashion.

* Oh! that Dr. Price and Dr. Franklin had lived to read the addresses and answers, of 20 December, 1812, at the end of this volume. Jefferson has lived to see it. J. A. 1813.

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This is roundly and frequently asserted in the streets, and sometimes on theatres of higher *rank*.* Some truth there is in it; and if the opportunity were temperately improved, to the reformation of abuses, the rectification of errors, and the dissipation of pernicious prejudices, a great advantage it might be. But, on the other hand, false inferences may be drawn from it, which may make mankind wish for the age of dragons, giants, and fairies. If all decorum, discipline, and subordination are to be destroyed, and universal Pyrrhonism, anarchy, and insecurity of property are to be introduced, nations will soon wish their books in ashes, seek for darkness and ignorance, superstition and fanaticism, as blessings, and follow the standard of the first mad despot, who, with the enthusiasm of another Mahomet,† will endeavor to obtain them.

Are riches, honors, and beauty going out of fashion? Is not the rage for them, on the contrary, increased faster than improvement in knowledge? As long as either of these are in vogue, will there not be emulations and rivalries? Does not the increase of knowledge in any man increase his emulation; and the diffusion of knowledge among men multiply rivalries? Has the progress of science, arts, and letters yet discovered that there are no passions in human nature? no ambition, avarice, or desire of fame? Are these passions cooled, diminished, or extinguished? Is the rage for admiration less ardent in men or women? Have these propensities less a tendency to divisions, controversies, seditions, mutinies, and civil wars than formerly? On the contrary, the more knowledge is diffused, the more the passions are extended, and the more furious they grow. Had Cicero less vanity, or Cæsar less ambition, for their vast erudition? Had the King of Prussia less of one than the other? There is no connection in the mind between science and passion, by which the former can extinguish or diminish the latter. It, on the contrary, sometimes increases them, by giving them exercise. Were the passions of the Romans less vivid in the age of Pompey than in the time of Mummius. Are those of the Britons more moderate at this hour than in the reigns of the Tudors? Are the passions of monks the weaker for all their learning? Are not jealousy, envy, hatred, malice, and

* Read the history of the world, from 1790 to 1813, as a comment.

† Napoleon is not all this. J. A. 1813.

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revenge, as well as emulation and ambition, as rancorous in the cells of Carmelites as in the courts of princes? Go to the Royal Society of London. Is there less emulation for the chair of Sir Isaac Newton than there was, and commonly will be, for all elective presidencies? Is there less animosity and rancor, arising from mutual emulations in that region of science, than there is among the most ignorant of mankind? Go to Paris. How do you find the men of letters? united, friendly, harmonious, meek, humble, modest, charitable? prompt to mutual forbearance? unassuming? ready to acknowledge superior merit? zealous to encourage the first symptoms of genius? Ask Voltaire and Rousseau, Marmontel and De Mably.

The increase and dissemination of knowledge, instead of rendering unnecessary the checks of emulation and the balances of rivalry in the orders of society and constitution of government, augment the necessity of both. It becomes the more indispensable that every man should know his place, and be made to keep it. Bad men increase in knowledge as fast as good men; and science, arts, taste, sense, and letters, are employed for the purposes of injustice and tyranny, as well as those of law and liberty; for corruption, as well as for virtue.

Frenchmen! Act and think like yourselves! confessing human nature, be magnanimous and wise. Acknowledging and boasting yourselves to be men, avow the feelings of men. The affectation of being exempted from passions is inhuman. The grave pretension to such singularity is solemn hypocrisy. Both are unworthy of your frank and generous natures. Consider that government is intended to set bounds to passions which nature has not limited; and to assist reason, conscience, justice, and truth, in controlling interests, which, without it, would be as unjust as uncontrollable.*

Americans! Rejoice, that from experience you have learned wisdom; and instead of whimsical and fantastical projects, you have adopted a promising essay towards a well-ordered government. Instead of following any foreign example, to return to *the legislation of confusion*, contemplate the means of restoring decency, honesty, and order in society, by preserving and completing, if any thing should be found necessary to complete the

* Frenchmen neither saw, heard, nor felt or understood this. J. A. 1813.

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balance of your government. In a well-balanced government, reason, conscience, truth, and virtue, must be respected by all parties, and exerted for the public good.* Advert to the principles on which you commenced that glorious self-defence, which, if you behave with steadiness and consistency, may ultimately loosen the chains of all mankind. If you will take the trouble to read over the memorable proceedings of the town of Boston, on the twenty-eighth day of October, 1772, when the Committee of Correspondence of twenty-one persons was appointed to state the rights of the colonists as men, as Christians, and as subjects, and to publish them to the world, with the infringements and violations of them,† you will find the great principles of civil and religious liberty for which you have contended so successfully, and which the world is contending for after your example. I could transcribe with pleasure the whole of this immortal pamphlet, which is a real picture of the sun of liberty rising on the human race; but shall select only a few words more directly to the present purpose.

"The first fundamental, positive law of all commonwealths or states is the establishment of the legislative power." Page 9.

"It is absolutely necessary in a mixed government like that of this province, that a *due proportion* or *balance* of power should be established among the several branches of the legislative. Our ancestors received from King William and Queen Mary a charter, by which it was understood by both parties in the contract, that such a proportion or balance was fixed; and, therefore, every thing which renders any one branch of the legislative more independent of the other two than it was originally designed, is an alteration of the constitution."

Americans! in your Congress at Philadelphia, on Friday, the fourteenth day of October, 1774, you laid down the fundamental principles for which you were about to contend, and from which it is to be hoped you will never depart. For asserting and vindicating your rights and liberties, you declared, "That, by the immutable laws of nature, the principles of the English constitution and your several charters or compacts, you were

* Americans paid no attention or regard to this. And a blind, mad rivalry between the north and the south is destroying all morality and sound policy. God grant that division, civil war, murders, assassination, and massacres may not soon grow out of these rivalries of states, families, and individuals.

† This Boston pamphlet was drawn by the great James Otis. J. A. 1813.

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entitled to life, liberty, and property; that your ancestors were entitled to all the rights, liberties, and immunities of free and natural born subjects in England; that you, their descendants, were entitled to the exercise and enjoyment of all such of them as your local and other circumstances enabled you to exercise and enjoy. That the foundation of English liberty and of all free governments, is a right in the people to participate in their legislative council. That you were entitled to the common law of England, and more especially to the great and inestimable privilege of being tried by your peers of the vicinage, according to the course of that law. *That it is indispensably necessary to good government, and rendered essential by the English constitution, that the constituent branches of the legislature be independent of each other.*"* These among others you then claimed, demanded, and insisted on, as your indubitable rights and liberties. These are the principles on which you first united and associated, and if you steadily and consistently maintain them, they will not only secure freedom and happiness to yourselves and your posterity, but your example will be imitated by all Europe, and in time, perhaps, by all mankind. The nations are in travail, and great events must have birth.

"The minds of men are in movement from the Boristhenes to the Atlantic. Agitated with new and strong emotions, they swell and heave beneath oppression, as the seas within the polar circle, at the approach of spring. The genius of philosophy, with the touch of Ithuriel's spear, is trying the establishments of the earth. The various forms of prejudice, superstition, and servility, start up in their true shapes, which had long imposed upon the world, under the revered semblances of honor, faith, and loyalty. Whatever is loose must be shaken; whatever is corrupted must be lopped away; whatever is not built on the broad basis of public utility must be thrown to the ground. Obscure murmurs gather and swell into a tempest; the spirit of inquiry, like a severe and searching wind, penetrates every part

* The declaration of independence of 4 July, 1776, contained nothing but the Boston declaration of 1772 and the congress declaration of 1774. Such are the caprices of fortune. This declaration of rights was drawn by the little John Adams. The mighty Jefferson, by the declaration of independence of 4 July, 1776, carried away the glory of the great and the little. J. A. 1813.

See for the congress declaration of 1774, vol. ii. pp. 375 – 377, and Appendix, C.

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of the great body politic; and whatever is unsound, whatever is infirm, shrinks at the visitation. Liberty, led by philosophy, diffuses her blessings to every class of men; and even extends a smile of hope and promise to the poor African, the victim of hard, impenetrable avarice. Man, as man, becomes an object of respect. Tenets are transferred from theory to practice. The glowing sentiment, the lofty speculation, no longer serve 'but to adorn the pages of a book.' They are brought home to men's business and bosoms; and what, some centuries ago, it was daring but to think, and dangerous to express, is now realized and carried into effect. Systems are analyzed into their first principles, and principles are fairly pursued to their legitimate consequences." *

This is all enchanting. But amidst our enthusiasm, there is great reason to pause and preserve our sobriety. It is true that the first empire of the world is breaking the fetters of human reason and exerting the energies of redeemed liberty. In the glowing ardor of her zeal, she condescends, Americans, to pay the most scrupulous attention to your maxims, principles, and example. There is reason to fear she has copied from you errors which have cost you very dear. Assist her, by your example, to rectify them before they involve her in calamities as much greater than yours, as her population is more unwieldy, and her situation more exposed to the baleful influence of rival neighbors. Amidst all their exultations, Americans and Frenchmen should remember that the perfectibility of man is only human and terrestrial perfectibility. Cold will still freeze, and fire will never cease to burn; disease and vice will continue to disorder, and death to terrify mankind. Emulation next to self-preservation will forever be the great spring of human actions, and the balance of a well-ordered government will alone be able to prevent that emulation from degenerating into dangerous ambition, irregular rivalries, destructive factions, wasting seditions, and bloody, civil wars.†

The great question will forever remain, *who shall work?* Our

* This was a summary of the language of the world in 1790, in newspapers, pamphlets, and conversation. In 1813 we can judge of it, as the author of these discourses judged of it then, to the destruction of all his popularity.

† View France, Europe, and America, in 1813, and compare the state of them all with this paragraph written twenty-three years ago! J. A.

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species cannot all be idle. Leisure for study must ever be the portion of a few. The number employed in government must forever be very small. Food, raiment, and habitations, the indispensable wants of all, are not to be obtained without the continual toil of ninety-nine in a hundred of mankind. As rest is rapture to the weary man, those who labor little will always be envied by those who labor much, though the latter in reality be probably the most enviable. With all the encouragements, public and private, which can ever be given to general education, and it is scarcely possible they should be too many or too great, the laboring part of the people can never be learned. The controversy between the rich and the poor, the laborious and the idle, the learned and the ignorant, distinctions as old as the creation, and as extensive as the globe, distinctions which no art or policy, no degree of virtue or philosophy can ever wholly destroy, will continue, and rivalries will spring out of them. These parties will be represented in the legislature, and must be balanced, or one will oppress the other. There will never probably be found any other mode of establishing such an equilibrium, than by constituting the representation of each an independent branch of the legislature, and an independent executive authority, such as that in our government, to be a third branch and a mediator or an arbitrator between them. Property must be secured, or liberty cannot exist. But if unlimited or unbalanced power of disposing property, be put into the hands of those who have no property, France will find, as we have found, the lamb committed to the custody of the wolf. In such a case, all the pathetic exhortations and addresses of the national assembly to the people, to respect property, will be regarded no more than the warbles of the songsters of the forest. The great art of lawgiving consists in balancing the poor against the rich in the legislature, and in constituting the legislative a perfect balance against the executive power, at the same time that no individual or party can become its rival. The essence of a free government consists in an effectual control of rivalries. The executive and the legislative powers are natural rivals; and if each has not an effectual control over the other, the weaker will ever be the lamb in the paws of the wolf. The nation which will not adopt an equilibrium of power must adopt a despotism. There is no other alternative. Rivalries must be controlled, or

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they will throw all things into confusion; and there is nothing but despotism or a balance of power which can control them. Even in the simple monarchies, the nobility and the judicatures constitute a balance, though a very imperfect one, against the royalties.

Let us conclude with one reflection more which shall barely be hinted at, as delicacy, if not prudence, may require, in this place, some degree of reserve. Is there a possibility that the government of nations may fall into the hands of men who teach the most disconsolate of all creeds, that men are but fireflies, and that this *all* is without a father? Is this the way to make man, as man, an object of respect? Or is it to make murder itself as indifferent as shooting a plover, and the extermination of the Rohilla nation as innocent as the swallowing of mites on a morsel of cheese? If such a case should happen, would not one of these, the most credulous of all believers, have reason to pray to his eternal nature or his almighty chance (the more absurdity there is in this address the more in character) *give us again the gods of the Greeks; give us again the more intelligible as well as more comfortable systems of Athanasius and Calvin; nay, give us again our popes and hierarchies, Benedictines and Jesuits, with all their superstition and fanaticism, impostures and tyranny.* A certain duchess of venerable years and masculine understanding,* said of some of the philosophers of the eighteenth century, admirably well, — "On ne croit pas dans le Christianisme, mais on croit toutes les sottises possibles."

XIV.

La nature parle aux cœurs des Rois, tout comme à ceux des particuliers.

Nature speaks the same language to the hearts of princes as to those of other men. Kings compare themselves with kings, or with such of their own subjects as are nearest to them; and have the same sentiments as private persons, of pride, vanity,

* The Duchess d'Enville, the mother of the Duc de la Rochefoucauld. The author heard those words from that lady's own lips; with many other striking effusions of the strong and large mind of a great and excellent female character. J. A.

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jealousy, resentment, and hatred arising from such comparisons.

"Francis I.,[1] after his ascension to the throne, whether he was misled by an imprudence of youth, or whether he consulted only his own beneficent disposition, proposed to himself, from the first day of his reign, to aggrandize the princes of the blood, and load them with favors. To elevate in dignity those who belonged to the royal family by proximity of blood, he believed to be for his own glory. Having discerned in Charles, the head of the branch of Bourbon, all the talents which form the great captain and the able statesman, he gave him the office of constable; and by conferring on him and the princes of that house the most distinguished employments, he placed them at the head of the most important affairs of his kingdom." *

This, it must be confessed, was impolitic; since it is always dangerous for the first in office or command to be over fond or familiar with the second; to confer too many opportunities of eclipsing his own glory or of drawing away the attention of the public; or to offer too many temptations to ambition, rivalry, or envy. Accordingly

"The first fire of this zeal abated; and experience having excited his jealousy, or policy revealed to him the reasons of the conduct which his predecessors had holden, he manifested in the sequel as much eagerness to lower the Bourbons, as he had at first discovered of affection to exalt them. Fortune soon presented an opportunity favorable to his design. Louisa of Savoy, his mother, had commenced a lawsuit against Charles for the Duchy of Bourbon, in his possession."

Judges in those days were not independent.

"The King thought that by influencing the decision in favor of his mother, and by thus despoiling the House of Bourbon of the richest portion of their patrimony, he might accelerate the declension of a credit founded in part on their immense riches. Charles, in the course of the proceedings, discovered the manœuvres which were practised to his prejudice by the Chancellor

* See the late correspondence between the Prince of Wales and his father, brother, &c. Also recollect the conduct of the Duke of Marlborough and Queen Anne and her ministers. By such combination of circumstances, what havoc is made with constitutions and administrations. 1804. (Editor's note in the edition of 1805.)

[1] Davila, liv. i. p. 8.

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Duprat, by order of the King. The indignation which he conceived at this injury, and the apprehension of the reverse of fortune which threatened him, struck him so forcibly, that having negotiated secretly with the Emperor, Charles V., and Henry VIII., King of England, he conspired against the state, and even against the person of the King. His designs were discovered; and, necessitated to fly the kingdom with precipitation, he afterwards bore arms against his sovereign. He commanded the imperial army at the battle of Pavia, in which, after the bloody defeat of the French army, the King, surrounded on all sides by the infantry of the enemy, remained a prisoner. The Constable, as a punishment of all these crimes, was declared a rebel. All his estates were confiscated and united to the dominions of the crown. He was killed soon after, at the taking of Rome; and there remained to the Bourbons nothing of that grandeur which had inspired so much umbrage to kings.

"Their misfortunes did not cease here. Although Charles was deceased without issue, and the other princes of his house had not favored his revolt, resentment in the breast of the king overcame his reason, and the Bourbons were deprived of the favors of the court, and banished from the government. Their personal merit could not soften the hatred attached to their name. This rigor, it is true, diminished with time, and in proportion as the memory of the past, and the disadvantageous ideas which the King had conceived of them, were effaced from his mind. Nevertheless, he cautiously applied himself to obstruct all the passages, by which they might have returned to the possession of those dignities and that power to which royal favor had formerly raised them. These secret dispositions of the King were perfectly known to Charles of Vendôme, now at the head of that house, who, by his moderation, studied to dissipate the suspicions which were entertained against his family. In this view, he refused during the imprisonment of the King to pretend to the regency, which belonged to him of right. After the King was set at liberty, Charles shut himself up with his domestics, leading a private life, without meddling in the government of a state in which he saw he was suspected. All the other Bourbons, after his example, retired, as much to prove that they were innocent of the revolt of the Constable, as to mark their submission to the will of the King, even when it was most disadvan-

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tageous to them. They avoided every thing which could revive the distrust against them; and, too openly in disgrace to think of elevating themselves to those dignities which they thought alone suitable to their birth, and too haughty to descend to the smaller places, they renounced all the honors and offices of the court."

The same causes produce the same effects. The late revolution in France opened a prospect to the royal family, not very different from that in 1515. Though the merits and injuries of Orleans may not be compared to those of a Constable de Bourbon, yet the passions of a prince of the blood of the second order may hereafter be painted by another Davila. Opportunity will generally excite ambition to aspire; and if even an improbable case should happen of an exception to this rule, danger will always be suspected and apprehended, in such circumstances, from such causes. We may soon see, that a form of government in which every passion has an adequate counterpoise, can alone secure the public from the dangers and mischiefs of such rivalries, jealousies, envies, and hatreds.

XV.

Auguste verité!
C'est à toi de montrer aux yeux des nations
Les coupables effets de leurs divisions.

When one family is depressed, either in a monarchy or in any species of republic, another must arise.

"While in the reign of Francis I. they thus humbled the branch of the Bourbons, there arose two other powerful families, who soon obtained the administration of affairs, — the house of *Montmorenci*, and that of *Guise;* both, indeed, inferior to the blood royal, but both illustrious by the splendor of the most ancient nobility. That of Montmorenci produces titles which prove its descent, by an uninterrupted succession, from one of the principal grandees who accompanied Pharamond in his first expedition. It has the glory of having been the first French house which received baptism and the Christian faith. The memory of this distinction is preserved in the motto of their arms, — *God help the first Christian Baron;* a splendid testimony both of the

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antiquity and religion of their ancestors. Anne of Montmorenci, who united a vast genius, directed by prudence, to a grave and imposing deportment; who combined a singular address to a patience never to be exhausted in the intrigues and affairs of the court, which change so often their aspect, sprung from this stock. His high qualities merited the confidence of Francis I. After having passed through all the military gradations of the state, he was at first elevated to the dignity of Grand Master of the King's Household, and, after the death of the Duke of Bourbon, to that of *Constable;* in one word, he concentred in his person the command of armies, and the principal administration of all the affairs, civil and political, of the kingdom.

"The House of Lorraine, of which that of Guise is a branch, derives its original from the highest antiquity. It reckons among its paternal ancestors Godfrey of Bouillon, the famous leader of the Crusades, who by his valor and piety conquered the kingdom of Jerusalem; and, by the female line, it traces its descent from a daughter of Charlemagne. Anthony of Lorraine, chief of this rich and powerful family, reigned over his people with an absolute authority. Claude, his younger brother, went into France, to take possession of the duchy of Guise, and there recommended himself by his valor. After the battle of Marignano, where he commanded the German troops, he was taken out from a heap of dead bodies, covered over with blood and wounds; his cure was thought to be a miracle, and he held afterwards the first rank among the greatest captains of France. The Houses of Guise and Montmorenci had rendered services of such importance to the state, that it was difficult to determine which of the two merited the preëminence. In the splendor of their birth and the extent of their domains, the Guises had the advantage. In the favor of the King, the family of the Constable was most advanced, and saw itself at the head of affairs."

Nature, which has established in the universe a chain of being and universal order, descending from archangels to microscopic animalcules,* has ordained that no two objects shall be perfectly alike, and no two creatures perfectly equal. Although, among men, all are subject by nature to *equal laws* of morality, and in

* This is not a chain of being from God to nothing; *ergo*, not liable to Dr. Johnson's criticism, nor to the reviewer's.

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society have a right to *equal laws* for their government, yet no two men are perfectly equal in person, property, understanding, activity, and virtue, or ever can be made so by any power less than that which created them; and whenever it becomes disputable, between two individuals or families, which is the superior, a fermentation commences, which disturbs the order of all things until it is settled, and each one knows his place in the opinion of the public. The question of superiority between the Guises and Montmorencis had the usual effects of such doubts.

"But as nothing is less stable than the fortune of courtiers, in ill-ordered governments, they both experienced reverses towards the end of the reign of Francis I."

That jealousy which never has an end, because it is always well founded, which reigns in every government, where every passion and every interest has not its correspondent counterpoise, actuated the King. The two ministers, not being subject to any regular plan of responsibility, were become dangerous rivals of their master. Their enemies knew how to insinuate suspicions.

"The Constable fell into disgrace, for having persuaded the King to trust the promises of Charles V., and to grant him a free passage through France, as he went to chastise the rebellion of Ghent. The Emperor not keeping his engagements, the King and the court accused the Constable of having failed either in prudence or fidelity. He was obliged to leave the court, and return to private life, to conceal himself from the pursuits of his enemies. The Duke of Guise was also constrained to quit the court, and give way to the storm, for having incurred the displeasure of the King, by causing to be raised upon the frontiers, without his consent, certain troops, which he sent to the Duke of Lorraine, his brother, at that time at war with the Anabaptists.

"The Constable and the Duke of Guise, thus disgraced, were replaced by two ministers of consummate experience, indefatigable industry, and acknowledged abilities, — the Admiral d'Annebaut and the Cardinal de Tournon. The mediocrity of their fortune and extraction excited little apprehension that they would ever arrive at that high power, of which the King had reason to be jealous, and which he dreaded in the hands of his subjects. This Prince, who understood mankind, and was be-

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come unquiet and suspicious since his disgraces, had long resolved to dismiss from his person the Constable and the Duke, notwithstanding the long confidence with which he had honored them; believing that he should not be able to govern according to his own mind, while he should have about him two persons whose credit and reputation were capable of balancing his will. He dreaded in the Constable that profound experience and that lively penetration, from which he could not conceal his most hidden secrets. Every thing was to him suspicious in the Guises. Their illustrious birth, their restless humor, their active genius, that ardent character to embrace every occasion to aggrandize themselves, and that ambition capable of forming projects the most vast and daring."

As the judicial courts had no independence, and there was no regular judicature for impeachments, there could be no rational responsibility. The King could inflict none but arbitrary punishments; there was no tribunal but the States-General and their committees, and among these the ministers had as many friends as the King. The ministers, therefore, thought themselves, and, as the constitution then stood, they really were, so nearly equal to the King in power, that they might do as they pleased with impunity. They presumed too far, and the King was justly offended; but had no remedy except in the assassination or dismission of his ministers; he chose the latter; though, in the sequel we shall see many instances, in similar cases, of the former.

"In the last years of his life, this monarch, if we may call by that name a prince who was, in effect, nothing more than the first individual in a miserable oligarchy, secretly recommended to Prince Henry, his son, to distrust the excessive power of his subjects, and especially of the House of Guise, whose elevation would infallibly disturb the repose of the kingdom."

Francis now saw and felt that the House of Guise was become, as the House of Bourbon had been before, a dangerous rival of the House of Valois. Ambition, disappointed and disgraced by a king, commonly becomes obsequious to the heir apparent, or ostensible successor.

"In 1547, Henry II., the successor of Francis I., disregarding the advice and example of his father, dismissed from his court and service the Admiral and the Cardinal, though possessed of his

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secrets of the state, and placed again at the head of affairs the Constable Anne of Montmorenci, and Francis of Lorraine, son of Claude, Duke of Guise, who soon engaged the confidence of the young King, and regulated every thing at his court. Their authority was equal."

But, as has been once observed, nature has decreed *that a perfect equality shall never long exist between any two mortals.*

"The views, the conduct, and the characters of the two ministers were unlike in all things. The Constable, advanced in years, was naturally fond of peace. Formed by a long experience in the art of government, he enjoyed a high reputation for wisdom, and held the first place in the conduct of affairs of state. The Duke, in the flower of his age, captivated, by an elevated genius and sprightly wit united with a robust constitution and a noble figure, the affections of the King. Henry treated him almost as his equal; admitted him to his conversations, his pleasures, and those exercises of the body which were suitable to his age and inclination. His affection for the Constable was rather veneration. His attachment to the Duke was familiarity. The conduct of the two favorites was very different; the one, an enemy of all show, urged, with a certain severity, from which age is seldom exempted, the necessity of economy. He even opposed the profusion of the Prince. His austere virtue inspired a contempt for foreigners, and rendered him little solicitous for the affection of the French. The Duke of Guise, affable and popular, gained by his liberalities and politeness the hearts of the people and the soldiers. With a generous warmth he protected the unfortunate, and conciliated the esteem of strangers.

"Inclinations and conduct so opposite soon produced jealousies between the two ministers, equally beloved of the King. To insinuate themselves further into the royal graces, and make themselves masters of his favors, they exerted all their skill, address, and efforts. Their emulation and ambition were stimulated by their nearest relations and private friends. The Constable was irritated by his nephew, Gaspard de Coligni, Lord of Châtillon, who had succeeded to the Admiral d'Annebaut, and who was not less distinguished for his policy, than eminent for valor. The Duke of Guise was animated by the Cardinal Charles of Lorraine, his brother, who united the splendor of the Roman purple

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to a noble figure, profound erudition, and uncommon eloquence.

Henceforward, the demon of rivalry haunted the two Houses of Guise and Montmorenci; and fortune did not fail to open a vast career to the animated emulation of the two competitors.

XVI.

Opposant sans relâche avec trop de prudence,
Les *Guises* aux *Condés*, et la France à la France.
Toujours prête à s'unir avec ses ennemis
Et changeant d'intérêt, de rivaux, et d'amis.*

The rivalry between the Houses of Guise and Montmorenci, or in other words, the ambition of the Cardinal de Lorraine and the Duke of Guise, to outstrip the Montmorenci, produced a war.

"Charles V. was preparing with a numerous army to lay siege to Metz. It was not doubted that the conduct of so important a war would be committed to one of the two favorites. But the Constable Montmorenci, more than sixty years of age, preferred a residence near the person of the king to a risk of his reputation in new dangers. The Duke of Guise, on the contrary, full of courage, and burning with ardor to distinguish himself, solicited the command with the more vivacity, as he saw no other resource than in military successes to efface the credit and eclipse the glory of the Constable.† He was therefore charged with the defence of Metz, with the consent, or at least without the opposition of the Constable, who internally was not displeased to see his competitor expose his life or his reputation to danger. The Duke fulfilled perfectly the idea which had been

* Voltaire and all other Frenchmen may strive to throw all the blame upon Catherine; but the Guises opposed her to the Bourbons and Montmorencis. Montmorenci opposed her and the Guises to the Bourbons. The Bourbons opposed Montmorenci to the Guises, to the queen, &c. &c. In short, all four parties in their turn opposed la France à la France. In point of public virtue, sincere religion, and real principle, there appears no difference between them.

† Compare the conduct of our parties for twenty-four years, — our federalists and antifederalists; our republicans and federalists; how easily the federalists united with Clinton and Ingersoll in 1812, and the New England republicans with Jefferson and Madison in 1800! State rivalries threaten our tranquillity. Virginia, Pennsylvania, New York, and Massachusetts may keep us in hot water, as Valois, Bourbons, Montmorencis, and Guises did France. J. A. 1813.

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conceived of his valor and prudence. Uncertain as the success of the enterprise had been, he came out of it victorious and covered with glory. This great action did him so much honor with the king and the whole nation, that they committed to him, in preference of all others, the command of the army, which they sent afterwards to Italy to reconquer the kingdom of Naples. Either by the fault of the French, or the inconstancy of their allies, this expedition failed, or at least produced little advantage. Yet the ill success was not imputed to the Duke, who drew from it more glory than he could have done from a victory, for this reason, — Philip II., King of Spain, upon the abdication of his father, Charles V., turned his arms against the frontiers of France, and entered through Flanders into Picardie, to make a diversion from the war in Italy. The Constable, as governor of that province, was then obliged to take leave of the king, and, against his inclination, run the hazards of war. The loss of the battle of Saint-Quintin, where the Spaniards took him prisoner, spread a consternation through all the neighboring provinces. The friends of the Guises in council could discover no surer means of repelling this invasion of the enemy, of repairing the losses and preventing the consequences of this defeat, than by recalling from Italy the Duke of Guise. The celerity of his return, added to the memorable conquests of Calais, Guisne, and Thionville, fully justified these hopes, and gave him that superiority over the Constable that a conqueror must ever have over one who is conquered.

"The Constable, however, obtained his liberty and returned to court. The king's affection for him was not abated. Henry, attributing his late misfortunes to the lot of arms and the fortune of war, conversed familiarly with him; and, still convinced of his capacity, confided to him the weight of public affairs. In the critical circumstances of the state, the Duke and the Cardinal, who had acquired a great reputation, the one by his exploits, and the other by his abilities, apprehended that if they could not throw some powerful obstacle in the way of the Constable, he would rise higher in favor than ever. They resolved, therefore, to gain to their party Diana, Duchess of Valentinois, to connect their interests with hers, and to make her protection and favor serve as a foundation of their elevation."

And who was Diana?

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Of illustrious birth, descended from the ancient House of the Counts of Poitiers, in the flower of her age, she united with uncommon beauty a sprightly wit, an acute and subtle understanding, the most insinuating graces of behavior, and all the other qualities which, in a young woman, enchant the eyes and captivate the heart. She had married the Sénéchal of Normandy, who soon left her a widow, with two daughters. She took advantage of her single state to deliver herself up to the pleasures and amusements of the court. Her charms gained the heart of the King, whom she governed with an absolute empire. But[1] she behaved with so much arrogance, and appropriated to herself the riches of the crown with so much avidity, that she made herself odious and insupportable to the whole kingdom. The Queen, full of indignation to have a rival so powerful, behaved towards her with an exterior decency, but in her heart bore her an implacable hatred. The nobility, whom she had ill treated in the persons of several gentlemen, could not with patience see themselves trampled under foot by the pride of a woman; and the people detested her avarice, to which they imputed the rigorous imposts with which they were loaded.

"The Guises, without regard to the general discontent, sensible only to the fear of losing their power, sought the friendship of the Duchess, who soon declared herself openly in their favor; and, by marrying one of her daughters to the Duke of Aumale, their brother, supported them with all her credit. The Constable easily unravelled the intrigues of the Guises, and, not depending on the marks of confidence which he received from the King, thought to fortify himself equally with the protection of Diana. If the Guises had flattered her by the splendor of their birth, he did not despair to gain her to his interest by satisfying her avarice, a passion as ungovernable in her heart as ambition. He began to make his court to her, and endeavored to gain her by considerable presents. He had so much at heart the success of his measures that, in spite of his natural pride, he did not hesitate to seek also her alliance, by espousing to Henry, Lord of Damville, his second son, Antoinette de la Marck, granddaughter, by the mother, of the Duchess of Valentinois; a resolution so much the more imprudent, as Diana was already strictly united

[1] "Suivant le génie de son sexe," omitted from the French translation.

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with the party of the Guises, and labored sincerely with all her power for their aggrandizement; whereas, she favored but coldly the designs of the Constable.* All the means which had been employed in opposition to the elevation of the Guises became useless. To the merit of their services, to the intrigues by which they had continually advanced themselves, at the time when they disputed with so much vivacity with their rivals for the first rank at the court, was added the marriage of Francis, the Dauphin of France and the eldest son of the King, with the Princess Mary, sole heiress of the kingdom of Scotland, daughter of James Stuart, lately deceased, by Mary of Lorraine, sister of the Duke and Cardinal. An alliance of so much magnificence drew them near to the throne. There remained now to the Constable and his family only the friendly sentiments which the King preserved for them by habit; and to the other courtiers, only the offices of smaller importance. The principal dignities, the fairest governments, and the general superintendence of affairs, civil and military, all were placed in the hands of the Guises and their creatures.

"While all minds were held in agitation at court by these events, the Bourbons saw themselves, notwithstanding their proximity of blood, and pretensions to the crown, contrary to the usage of the nation, excluded from employments and honors. Except when the necessity of a war, or the exercise of some office of little consequence which remained to them, required their presence, they appeared not at court. It is true, that the Count d'Anguien, one of the princes of this house, had advanced himself by his merit and valor. The King had given him the command of his army in Piedmont. The battle of Cérizolles, which he gained against the Spaniards, had raised his reputation. But this advantage was too transitory to raise the House of Bourbon. This Prince died by accident, in the flower of his age, and his brother, the Duke d'Anguien, was killed at the battle of St. Quintin. There remained, therefore, none of the children of Charles of Bourbon, but Anthony, Duke of Vendôme, and King of Navarre, by his marriage with Jane of Albret; Louis, Prince of Condé, the stock of the branches of Condé and Conti, killed afterwards at Jarnac; and Charles,

* With what sacrifices of family pride did these two haughty houses court the aid and influence of a harlot! J. A. 1813.

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Cardinal of Bourbon, proclaimed king afterward by the Leaguers, under the name of Charles X.

"The chiefs of the house were now, Anthony, Duke of Vendôme, and Louis, Prince of Condé, his brother, both sons of Charles of Vendôme, who, after the revolt of the Constable de Bourbon, and the captivity of Francis I., by his moderation and disinterestedness had somewhat calmed the hatred which had been violently enkindled against those of his blood. These princes, depressed by the Guises, whom they called strangers and new-comers from Lorraine, complained bitterly, that, except the right of succession to the crown, which no man could take from them, they were deprived of all their privileges, and especially of the honor of residing near the person of the King; that they scarcely held any rank in a court, where their birth called them to the first places after his majesty; and that such conduct was equally inconsistent with reason and equity. The King, however, maintained with inflexibility the power of the Guises against all remonstances and complaints. The Bourbons endured with less impatience the elevation of the Constable Montmorenci; on the contrary, they were severely mortified to see his credit diminish. United with him by an alliance, by views and by interests, they flattered themselves they might obtain by his means a decent rank, if they could not reascend to that which their ancestors had possessed. But now, deprived of that hope which supports the unfortunate by softening the sentiment of their ills, they bore with still greater impatience their disgraces.

"Anthony of Vendôme, a prince of a mild and moderate character, appeared to support them with more tranquillity than the others, because he meditated great designs. He had married Jane of Albret, only daughter of Henry, King of Navarre, and, after the death of his father in law, he had taken the crown and title of king. His project was to recover his kingdom of Navarre, of which the Spaniards had made themselves masters for several years, during the war between Louis XII., and Ferdinand the Catholic. The kings of France, to whose interest this state had been sacrificed, had attempted several times to reconquer it. The Spaniards, who could easily march troops to its relief, had hitherto defended it. But the two crowns, being then upon the point of concluding a solid peace, the King of Navarre hoped to comprehend in the treaty, and to obtain a restitution of

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his hereditary states, or at least, an equivalent. He was confirmed in this thought by the birth of a son, to whom he gave the name of Henry, in memory of his maternal grandfather. This is the prince, whom the splendor of his victories raised, after long and bloody wars, to the throne of France, under the name of Henry IV., and whose exploits and virtues have merited the name of *Great*. He was born the thirteenth of December, 1554, at Pau, the capital of Béarn. This birth, which filled with joy the King and Queen of Navarre, inspired them with more ardor to recover their dominion. Anthony chose rather to interest the King of France to demand this restitution in the treaty of peace, than to solicit, in quality of first prince of the blood, governments and dignities in the kingdom. It was this, which engaged him to dissemble with more patience and moderation than the rest, the injustice done to his house. The King, persisting in the design of lowering continually the princes of the blood, or perhaps irritated at the refusal of Anthony to exchange Béarn and his other states, for cities and territories situated in the interior of the kingdom, had dismembered from Guienne, of which the King of Navarre was governor, as first prince of the blood, Languedoc and the city of Toulouse, to give the government of them to the Constable. But the King of Navarre, showing little resentment of this injustice, pursued constantly his first views.

"Louis, Prince of Condé, brother to the King of Navarre, full of ambition and inquietude, and not restrained by similar interests, saw with grief the mediocrity of his fortune answer so ill to the splendor of his birth. Without offices, governments, or employments to support him, he could not bear, but with a discontent which he took no pains to conceal, the excessive grandeur of the Guises, who monopolized for themselves the first dignities and fairest employments of the kingdom. To his personal mortification he joined the disgrace of the Constable, whose niece he had espoused. He was so strictly connected with him, and the Maréchal of Montmorenci, his son, that he saw in the humiliation of their house, the completion of his own misfortunes. The Admiral of Châtillon, and D'Andelot, his brother, irritated him still more by their advice. The first was an ambitious, but an able politician, who took a secret advantage of all occasions to profit of troubles, to raise himself to

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high power. The other, fiery, passionate, continually occupied in intrigues and plots, ceased not, by his discourse and example, to nourish in the heart of Louis the hatred already too deeply enkindled. This prince, transported with rage, and almost reduced to despair, saw no resource for himself, but by causing a revolution in the State.

"Such was the situation of affairs; such the jealousies and animosities of the grandees, ready, on the slightest occasion, to break out in an open rupture, when, in the month of July, 1559, happened the unexpected death of Henry II., killed by accident in a tournament, by Gabriel, Count of Montgommeri, one of the captains of his guards.

"Francis II., his eldest son, with a weak understanding, and a delicate constitution, succeeded him. Those evils, which even under his father, had been expected, hastened to make themselves felt under his feeble reign. Secret enmities were easily changed into declared hatreds; and recourse was soon had to arms. The youth and imbecility of the King rendered him incapable of governing. It was necessary that he should have, not a guardian, because he had passed the age of fourteen years, the term fixed for the majority of the kings of France; but ministers, prudent and laborious, who should govern under his authority, until time should have fortified his understanding, and invigorated his constitution. The ancient usage of the kingdom called the princes of the blood to this place, and indicated the King of Navarre, and the Prince de Condé, who united to the proximity of blood an established reputation. The Duke of Guise and the Cardinal of Lorraine, uncles of the King by his marriage with the Queen of Scots, pretended that this honor belonged to them, in consideration of their long labors and services to the crown, but especially, because they had in fact enjoyed it, during the life of the late King. Catherine of Medici, mother of the King, expected to govern alone. She depended on the filial tenderness of her son; several examples authorized her pretensions; but she founded her strongest hopes on the divisions of the grandees; and the terror of each faction, lest the other should carry the point, facilitated her design.

"The Guises were sensible that they wanted the advantage of being of the blood, to which the laws and customs of the nation had usually confided the government of the kingdom.

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They foresaw, moreover, the empire which the counsels of a mother would have over the mind of her son, still young and without experience. They resolved, therefore, by joining and acting in concert with her, to divide a power which they despaired of obtaining entire. The Queen, a princess of refined genius and masculine courage, knew that the princes of the blood suffered with impatience the authority and grandeur of queens. She thought also, that as a stranger and an Italian, she had occasion to fortify herself with the support of some faction. She consented, therefore, cheerfully to combine with the Guises, whom she saw disposed to accept of part of that authority, which the Bourbons would have pretended to appropriate to themselves without partition. There was but one obstacle to the intimacy of this union, and that was the unlucky connection of the Guises with the Duchess of Valentinois, who had possessed the heart of the late King, to the time of his death. The occasion was pressing, and the importance of the business would not admit of delay. On one hand, the Queen, to whom dissimulation was not difficult, agreed to *appear* to forget the past, with the same moderation which she had shown in bearing with her rival during the life of her husband. On the other, the Guises, occupied wholly with their present interest, easily betrayed their friend, by consenting that the Duchess should be disgraced and dismissed from the court. They only required that she should not be totally stripped of those immense riches, which must one day revert to the Duke of Aumale, their brother.

"The King of Navarre was then absent, and very discontented with the King and the court, who, in the treaty concluded with Spain, had given no attention to his interests, nor to the restitution of his states. The new coalition at court, had, with great address, disembarrassed themselves of the Constable, by deputing him to do the honors of the obsequies of Henry II. The personage who has that commission, must not absent himself from the place where the body is deposited, during the three-and-thirty days that the funeral pomp continues. Artifice and accident having thus removed the two great obstacles, it was not difficult to obtain of Francis II., seduced by the caresses and the charms of his Scottish Queen, an arrangement by which he placed the reins of government in the hands of his nearest relations. Every thing which concerned the war was committed to

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the Duke of Guise. The Cardinal had the departments of justice and finance; and the Queen mother, the superintendence of all parts of the government. To establish their measures, which had so well succeeded, and that the complaints and intrigues of the disaffected might not shake the resolution of the King, and disarrange their plan, there was no doubt but the first stroke of their policy would fall upon the Constable, whose prudence and credit were dreaded by the Guises, and against whom the Queen had for some time entertained a secret aversion. The Guises feared him on account of the jealousy, which for a long time had openly divided their houses; because, notwithstanding the fall of his favor at court, the reputation of his wisdom preserved him a great influence throughout the whole kingdom. In their secret interviews with the King they artfully drew the conversation to this subject, and exaggerated to him the reputation which the Constable enjoyed."

XVII.

Ses mains, autour du trône, avec confusion,
Semaient la jalousie, et la division.* VOLTAIRE.

† "THE Guises insinuated, that if the Constable resided at the court, he would be assuming; would think to govern his majesty like an infant, and even to hold him under the ferule and the rod. They represented his intimate connections with the Bourbons, the eternal enemies of a crown, to which they had for so long

* The French writers all endeavor to lay all the blame upon Catherine; but I can see no more selfishness in her, than in Montmorenci, the Cardinal, the Duke, Navarre, or Condé. Coligni seems to have had religion, but his conscience was very ambitious. The Admiral seems to have had somewhat of the spirit of martyrdom. But it may be doubted whether Montmorencis, Guises, Bourbons, Châtillons, or Medici, believed more than her relation, Leo X., who is said to have believed the *fabula christi* to be only a political institution.

† Here were four families, — The King under his mother, the Guises, the Montmorencis, and the Bourbons. The coalitions and separations of these four houses, all struggling for superiority, all making religion the pretext, deluged France in blood. The King had the crown and the forms of law on his side, which gave him and his mother an advantage, and produced the massacre of St. Bartholomew, and others, more in number and ferocity than any produced by the other three. The conjunctions and oppositions of these four primary planets, disturbed the whole solar system. J. A. 1813.

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aspired. Finally, they suggested, that he could not confide in the Constable, without exposing his life, and the lives of his brothers, to the discretion of people, whose ambition the kings, his predecessors, had always dreaded; and whom they had ever held in a state of humiliation, and at a distance from court. Penetrating genius easily inspires suspicions into contracted minds. Nothing more was wanting to persuade a weak king to seek a pretext honorably to dismiss the Constable. As soon as the ceremony of the obsequies of Henry II. was completed, the King, overwhelming him with caresses, signified to him, that not being able with sufficient dignity to acknowledge his merit, nor the value of the services which he had rendered the kings, his ancestors, he had resolved to discharge him from the cares and burthens of government, too disproportionate to his great age; that he would no longer require of him any excessive application to business, but would reserve him for some occasions of *éclat;* that he should always consider him, not as a servant and a subject, but as a venerable father; and that he would give him leave to retire, wherever he saw fit. The Constable easily comprehended that this lesson had been taught the King by the Guises, through the Queen mother, and the Queen of Scots; that it would be useless to remonstrate; and that it was better to receive as a recompense, orders, which his resistance might convert into disgrace. He thanked the king; recommended to him his sons and nephews, and retired to his castle at Chantilly, ten leagues from Paris, where he had, more than once before, supported vicissitudes of fortune.

"As soon as the Queen mother and the Guises had banished the Constable, they studied to disembarrass themselves of the Prince de Condé. It was easy to foresee, that his fiery temper, and his animosity against the Guises, would transport him to attempt all the means imaginable, *to change the established form of government.*"

It may be remarked, in this place, that these expressions intimate an idea of reformation of government, and regeneration of nations, like those which prevail at this time in France, and in many other countries, after the example of America. One would conjecture that the Prince of Condé had it in contemplation to establish committees of correspondence, to call a convention or national assembly, to deliberate on a rational plan of

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government to be adopted by the nation at large. There are, indeed, in history, some traces of a party, who wished for a republican government about this time. But, unfortunately, their ideas of a republic appear to have been the same with those which prevail too much at present in France. Two hundred and fifty years of experience have not yet brought the nation to advert to the true principles in nature, upon which government is founded. The Marquis of Condorcet, the friend of Turgot and Rochefoucauld, so great in geometry, is not more accurate in the science of government than Etienne de la Boetie, the friend of De Thou and Montaigne. The same reformation is wanting now that was so necessary in 1550. Whether a sovereignty in one single assembly, constituted by a double representation,* as the present assembly is, would have answered then, or will succeed now, are questions that hereafter may deserve consideration. It ended formerly, after a hundred years of civil wars, in the simple, absolute monarchy of Louis XIV. Time must determine whether the continued deliberations and exertions of the national assembly will finally obtain a balance in their government.† This is the point on which their success will turn; if they fail in this, simple monarchy, or what is more to be dreaded, simple despotism,‡ after long struggles, will infallibly return. If the wild idea of annihilating the nobility should spread far and be long persisted in, the men of letters§ and the national assembly, as democratical as they may think themselves, will find no barrier against despotism. The French, as well as the Creek Indians, at this time our respectable guests,‖ and all other nations, civilized and uncivilized, have their beloved families, and nothing but despotism ever did or ever can prevent them from being *distinguished by the people.* These beloved families in France are the nobility. Five eighths of the present

* That is, of nobility and third estate and clergy.

† Napoleon, in 1812 and 1813, has determined the question. Indeed, he determined it in 1800 or before.

(The question is once more opened in France by the revolution of 1848.)

‡ What is Napoleon in 1813?

§ Men of letters, where are ye? Ask La Harpe what barrier they found.

‖ This was written on Richmond Hill or Church Hill, in New York, when the author was Vice-president, and when the grandees, the warriors, and sachems of the Creek nation, with Mac Gillivray at their head, were lodged in sight and hearing. J. A. 1813.

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national assembly are noble. The first fresh election will show the world the attachment of the people to those families. In short, the whole power of the nation will fall into their hands, and a commoner will stand no chance for an election after a little time, unless he enlist himself under the banner and into the regiment of some nobleman. For the commoners, this project of one assembly is the most impolitic imaginable. It is the highest flight of aristocracy. To the royal authority it is equally fatal as to the commons. In what manner the nobility ought to be reformed, modified, methodized, and wrought by representation or otherwise, into an independent branch of the legislature, what form of government would have been best for France, under Francis II., and whether the same is not now necessary, under Louis XVI., are questions too deep and extensive perhaps for us to determine. But we are very competent to demonstrate two propositions, — first, that a sovereignty in a single assembly cannot secure the peace, liberty, or safety of the people; secondly, that a federative republic, or, in other words, a confederation of the republic of Paris with the republics of the provinces, will not be sufficient to secure the tranquillity, liberty, property, or lives of the nation. In some future time, if neither business of more importance, nor amusements more agreeable should engage us, we may throw together a few thoughts upon these questions. This may be done without the smallest apprehension of ever being confuted. For, although we should fail to produce arguments to convince our readers, we know with infallible certainty that time will supply all our defects and demonstrate for us the truth of both the propositions.* At present we return to the narration of Davila.

"The Prince de Condé's quality of prince of the blood and the want of plausible pretexts did not permit the Guises so

* Remember this was written in 1790. The blood of Louis and the government of Napoleon show to kings and people the truth.

A silly review of this work was printed in England, in which it was said that the system of nobility in France was justified. Nothing can be more false. There never has been a system of hereditary nobility rationally digested in any nation. That in England has been accidentally brought the nearest to a rational theory. The nobilities of France and Germany have no more judicious arrangements than those of Wabash or Creek Indians, Tartars or Arabs or Chinese. Nature produces nobilities in all nations, but those very nobilities will never suffer themselves to be disciplined or modified or methodized but by despots.

J. A. 1813.

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easily to dismiss him from court. They found, however, a favorable occasion to send him off for a time, till the new ministry should be well established, by nominating him plenipotentiary to the King of Spain, to ratify the peace and alliance contracted a little before the death of Henry II. He quitted the court upon this embassy, and left the field open for the perfection of projects which were as yet only in outline. The Queen mother and the Guises proceeded in the same manner with all whom they feared. Strongly determined to consummate their designs, they judged that they could succeed only by arranging all the strong places, as well as the troops, the finances, and all the resources of the state under their own disposition; so that the most important affairs should pass through no hands but their own or those of their creatures. Nevertheless, to show that they consulted their interest less than the public good and their own glory, they did not elevate to dignities people without merit and drawn from the dust, for fear they should be thought to make creatures for themselves at any rate. But they conferred favors only on persons who added acknowledged merit to conspicuous birth, and, above all, estimable in the eyes of the people for integrity. This conduct had a double advantage; the first, that the people commonly applauded their choice, and their opponents had no pretence to condemn it; the second, that confiding in persons of honor and fidelity, they were not exposed to be deceived, nor to suspect their attachment, as it often happens to those who commit the execution of their designs to people of base extraction or dishonored by their manners. In this view, they restored to office Francis Olivier, formerly Chancellor of the kingdom, a personage of known integrity and inflexible firmness in the exercise of his employment. The vigor with which he avowed and supported his sentiments had caused his dismission from court from the beginning of the reign of Henry II., and the instigations of the Constable had not a little contributed to his disgrace. They recalled also to council, and near the person of the King, the Cardinal de Tournon, who, in the time of Francis I., grandfather of the reigning prince, had the principal conduct of affairs. By these measures they flattered the multitude, and fulfilled the expectations of the public, without neglecting their own interests.

"The probity of the Cardinal and the Chancellor had rendered

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them dear to the people, who knew how often they had declared themselves against the multiplication of imposts with which they were oppressed. Moreover, disgraced by the intrigues of the Constable, and recalled with honor by the Guises, they must, both from resentment and gratitude, support with their counsels and all their influence the projects of aggrandizement formed by the latter. Many others had been gained by similar artifices; but the same management was not used with the House of Bourbon, nor with the family of the Constable. On the contrary, the Princes of Lorraine, drawn away by the desire of annihilating the credit of their ancient rival, and of abasing the royal family, seized with ardor every occasion of diminishing the authority and increasing the losses of their enemies.

"The Admiral Gaspard de Coligni had two different governments, — that of the Isle of France, and that of Picardie; but as the laws of the kingdom permitted not the possession of more than one dignity or one government at the same time, the late king had destined that of Picardie to the Prince de Condé, to appease his resentment and soften his complaints. The Prince earnestly desired this favor, to which, indeed, he had just pretensions. His father and the King of Navarre had successively held it; and the Admiral had resigned it in consideration of the Prince. But the death of Henry II., happening near the same time, had hindered the effect of this arrangement, which had already been made public. Francis II. had no regard to it. At the solicitation of the Guises, and by a manifest injustice to the Prince, he granted this place to Charles de Cossé, Maréchal de Brissac, a captain of high reputation and great valor; but who, having been promoted by the favor of the Princes of Lorraine, was closely attached to them, and served them with zeal. Nor was there more attention paid to Francis of Montmorenci, the eldest son of the Constable. He had married Diana, natural daughter of Henry II. In consideration of this marriage, he had been promised the office of grand master of the King's household, a place which had been long held by his father. From the first days of the reign of Francis II. the Duke of Guise took it for himself, that he might add this new éclat to his other dignities, as well as deprive of it a house which he wished to depress. Thus the Duke and the Cardinal embraced with ardor every occasion of mortifying their rivals and aggrandizing themselves.

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The Queen mother, who foresaw that this unlimited ambition and this violent hatred must have fatal effects, desired that they should act with more moderation, management, and dexterity; but she dared not, in the beginning, oppose herself to the wills, nor traverse the designs of those whose influence was the principal support of her authority.

"At this time, the Bourbons, excluded from all parts of the government, banished from court, and without hopes of carrying their complaints to the foot of the throne, beginning to reflect upon the situation of their affairs and the conduct of their enemies, who, not content with their present grandeur, labored by all sorts of means to perpetuate it, resolved to remain no longer inactive spectators of their own misfortunes, but to prevent the ruin that threatened them."

To this purpose a convention was called, and we shall soon see what kind of convention it was.

"Anthony, King of Navarre, after having left in Béarn his son, yet an infant, under the conduct of the Queen his wife, as in an asylum, at a distance from that conflagration which they saw ready to be lighted up in France, repaired to Vendôme with the Prince of Condé, already returned from his embassy. The Admiral, d'Andelot and the Cardinal of Châtillon, his brothers; Charles, Comte de la Rochefoucauld, Francis, Vidâme de Chartres, Anthony, Prince of Porcien, all relations or common friends, assembled also, with several other noblemen attached for many years to the Houses of Montmorenci and Bourbon. The Constable, who, although to all appearance wholly engaged in the delights of private life, secretly set in motion all the springs of this enterprise, had sent to this assembly at Ardres his ancient and confidential secretary, with instructions concerning the affairs to be there agitated. They took into consideration the part which it was necessary to act in the present conjuncture of affairs. All agreed in the same end; but opinions, as usual, were divided concerning the means. All equally felt the atrocious affronts committed against the princes of the blood; for the Guises had not only taken from them the first places in the government, but the small number of dignities which had remained to them. They saw, evidently, that the design was nothing less than to oppress these princes and their partisans. All perceived the necessity of preventing so pressing

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a danger, without waiting for the last extremity. But they were not equally agreed concerning the measures proper to ward it off."

XVIII.

L'un et l'autre parti cruel également,
Ainsi que dans le crime, est dans l'aveuglement. VOLTAIRE.

IN the assembly, convention, caucus, or conspiracy at Ardres, call it by which name you will, "the Prince de Condé, the Vidâme de Chartres, d'Andelot, and others of a character more irritable and violent, were of opinion that, without leaving to the Guises the time to augment their credit and their forces, they should fly to arms, as the remedy the most expeditious and the most efficacious.

"'In vain,' said they, 'shall we wait for the king, of his own motion, to determine to restore us the rank which is our right. This prince, incapable of deciding for himself, will never come out of that lethargy, in which he has been stupefied from his infancy. Governed by his mother and the Guises, he will never dare to redemand the power which he has so blindly abandoned to them. How can the just complaints of the princes of the blood, and the nobles, the best affectioned to the welfare of the state, ever reach the ear of a monarch, who, even in the service of his person, is constantly surrounded with spies, stationed by his ministers, and sold to their tyranny? What dependence can we have on the resolutions of a prince, to whom they will represent our requisitions under the blackest colors, and the odious appellations of revolts, conspiracies, and plots? Can we hope that the Queen mother and the Guises will dismiss themselves, in favor of their enemies and rivals, from a part of that power which has cost them so much labor and so many artifices? This expectation would be more chimerical than the former. Men do not weakly abandon an authority, which they have once usurped with so much boldness. Whoever arrives, by slow and secret intrigues, to unlawful power, enjoys it haughtily, and preserves it at all hazards.* The power and authority of the laws

* Jura neget sibi lata, nihil non arroget armis.
On this principle Great Britain claims the legislation of the ocean.
J. A. 1813.

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may impose on private persons; but they give way to force, which alone decides the rights and interests of princes. So much reserve and timidity on our part, will only serve to augment the confidence and temerity of our enemies. To begin by complaining, would be to sound an alarm before an attack, and to advertise our competitors to put themselves on their guard. The promptitude of execution alone decides the success of great enterprises. Sloth and irresolution debase the courage, enervate the forces, and lose the opportunity which flies so rapidly away. Let us hasten, then, to take arms, and overwhelm our enemies before they have time to collect themselves; and let us not ruin our own hopes and projects, by cowardly precautions and unseasonable delays."

"The King of Navarre, the Admiral, the Prince of Porcien, and the Secretary of the Constable, in the name of his master, rejected, with horror, counsels so extreme, and proposed remedies less violent. 'Whatever protestations we may make,' they replied, 'that we take arms only to deliver the King from the tyranny of strangers, and that we aspire not to his authority, our conduct will be ill interpreted. All good Frenchmen, religiously attached to the person of the King, will see our enterprise with indignation. Is it permitted to subjects to lay violence or constraint on their sovereign, under any pretext or for any reason whatever? Do the laws of the kingdom authorize us to force our master to confide to us any portion of his authority? He has passed his fourteenth year, and ought no longer to be in tutelage. Thus our pretensions, formed only on decency, propriety, and simple equity, had better be urged with delicacy and moderation, than by ways so violent as those of arms. By employing the means which prudence and address may suggest to us, let us not despair of gaining on the inclinations of the Queen mother. As soon as she can see her safety in our party, we shall see the power of the Guises dissolve, and we shall open to ourselves a way equally honorable and easy to the execution of our designs. The Princes of Lorraine have had hitherto no obstacle in their way; perhaps when they see a formidable opposition arising, they will determine to cede to us a part in the government. We will then avail ourselves of opportunities to secure us against the dangers which threaten us, and the outrages with which they overwhelm us. Is it not better to be

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satisfied with reasonable conditions, than to expose all to the inconstancy of fortune and the hazardous decision of arms? Have we in France forces to oppose to our lawful sovereign? What succor can we expect from foreign powers, who have lately renewed their alliances with the King? To take arms, at present, would be to precipitate the House of Bourbon into the deepest misfortunes, rather than to open to us an honorable reception into the government.' This last sentiment prevailed; and it was resolved that the King of Navarre, as the chief of the house and the first prince of the blood, should repair to court and negotiate with the Queen mother, and endeavor to obtain some part in the administration of government for himself, and, for his brothers and partisans, the governments and dignities of which they had been deprived, or others equivalent.

"It was foreseen, however, that the success would not be happy. The King of Navarre, intimidated by the difficulty of the enterprise, acted with a delicacy, irresolution, and complaisance, dictated by that softness and moderation which formed the essence of his character. The Guises, on the contrary, full of that confidence which prosperity inspires, prepared to repel with vigor the attempt that was made against them. In concert with the Queen, they repeated incessantly to the young monarch, that his predecessors had always mortified the princes of the blood, as enemies to the reigning branch, against which they never ceased to operate, sometimes by secret cabals, and sometimes by open force. That, in the present circumstances, the King of Navarre and the Prince de Condé, seeing themselves so near the throne, under a king of a tender complexion, who had no children, and whose brothers were under age, sought only to deprive him of the support of his mother, and his nearest relations, that they might govern him at pleasure, and hold him in dependence, as the maires of the palace had formerly held the Clovises, the Chilperics, and other princes incapable of reigning. That, perhaps, there was no crime at which they would hesitate, even to employing poison or the sword, to open a passage for themselves to the throne. The King, naturally timid and suspicious, preoccupied by these artificial accusations, which were colored with some appearance of probability, saw with an evil eye the King of Navarre, and received him coldly. In the audiences which he granted him, always in the presence of the Duke and the Cardi-

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nal, who never quitted him a moment, he gave him none but dry answers; alleging that he was of age; that he was not responsible to any man for his actions; that he was satisfied with the good services of those who governed under him; and rejected constantly all the requests and demands of the princes of the blood, as irregular, unreasonable, and made with ill designs.

"The efforts of the King of Navarre had no better success with the Queen mother. She knew that she could not depend upon the attachment which the princes of the blood professed to her; that as soon as they should obtain what they solicited, they would exclude her from the government, and force her, perhaps, to quit the court. She judged, moreover, that it would be imprudent to abandon the most powerful and the best established party, to attach herself to the princes of the blood, who had no certain support. She determined, therefore, to pursue her first plan; but, as she wished to prevent the horrors of a civil war, she proposed to herself not entirely to take away all hopes from the princes, but to make use of artifice and dissimulation to divert the King of Navarre, whose docility she knew, from the designs which he had formed, and to wait, from time and conjunctures, some expedient advantageous to the welfare of the state. In consequence, she received him with great demonstrations of friendship, and amused him with the fairest hopes. In the course of conversations which they had together, she insinuated that the passions of the King were easily irritated; that he must not be vexed with demands and complaints out of season; that it was necessary to wait for opportunities more favorable; that the King, having passed his fourteenth year, might govern by himself, and without taking counsel of any one; that when he should find an opportunity to manifest his benevolence for the Princes of Bourbon, he would fulfil all that was required of him by the relations of blood, and would prove to all the world the esteem and consideration which he entertained of their merit and fidelity; that to change, all at once, in the beginning of a reign, the order established in the government, would be to give the King, among his own subjects, the reputation of an inconstant prince, without prudence and without firmness; that if any employment worthy of them should be vacant, he would have a regard to the justice of their pretensions; that in her own particular, she offered herself voluntarily to manage

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their interests with her son, to engage him to grant them, as soon as should be possible, the satisfaction they desired; that it was not decent that the King of Navarre, who had always evinced his wisdom and moderation, should now suffer himself to be guided by counsels and drawn into rash measures, which were neither consistent with his age nor character; but, by waiting with patience for what depended wholly on the benevolence and affection of the King, he ought to teach others how to merit, in their season, the favor and beneficence of his majesty. The Queen, having sounded him at several times by such general discourses, and perceiving that he began to waver, completely gained him, at length, by saying, that they must immediately send into Spain, Elizabeth, the sister of the King, who must be attended by some prince distinguished by his reputation and by his rank; that she had cast her eyes on him, as the personage the most proper to support the honor of the nation, by the splendor of his virtues and of the majesty royal with which he was adorned; that, besides the satisfaction which the King her son would have in it, he would find a great advantage for his private pretensions, by the facility which he would have of conciliating the affections of the Catholic King, and, at the same time, of treating in person of the restitution or of the change of Navarre. Finally, she promised him to employ all her credit, and all the power of the King her son, to insure the success of this negotiation.

"The King of Navarre, in analyzing the dispositions of the court, had observed that all those who were employed by the government, satisfied with the present situation of affairs, troubled themselves very little about the pretensions of the princes of the blood; and that those who had an interest to desire his grandeur and that of his brother, either intimidated by the power of their enemies, or disconcerted by his extreme delays, despaired equally of the success of his enterprise. He returned, therefore, easily to his first design of recovering his states, and judged that he ought not to let slip an opportunity so favorable for renewing the negotiations of accommodation with the crown of Spain, and of quitting decently a court where he could no longer remain with honor. He accepted cheerfully the commission of conducting the young Queen into Spain. The Queen mother continued to delude him with magnificent hopes, and in spite of the discontent of the other princes of his

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party, he pressed his departure with as much ardor as even his enemies could have desired. He suffered himself to be duped in Spain with the same facility. The Queen mother had already informed Philip II. of all this manœuvre. This monarch, who desired equally with her to see humiliated and excluded from the government the King of Navarre, so ardent to make good his pretensions to some part of his dominions, instructed the Duke of Alva and the other grandees who were to receive the Queen, his consort, not to reject the propositions of this prince, but to lead him on and amuse him, by receiving them seriously, and offering to make report of them to his catholic majesty and the council of Spain, without whose advice they could not determine any affair of state. As soon as the King of Navarre was arrived on the frontiers, and had presented the Queen Elizabeth to the Spanish lords, he began to speak to them of his interests, and thought himself sure at first of success. The Spaniards conducted the negotiation with an address which served to nourish his hopes, at the same time that they let him know that the effect could not be immediate. They engaged him even to send ambassadors to Madrid, so that, solely occupied with his first designs, he retired to Béarn, fully resolved not to meddle in the affairs of France, where negotiation appeared ineffectual, and the project of arms as dangerous as it was dishonorable.*

"The Prince of Condé, his brother, had opposite views, and took very different resolutions. His fortune was not commensurate with his courage nor with the extent of his designs. Excited by the mediocrity of his circumstances, by the hatred which he bore to the Guises, and incessantly stimulated by his mother-in-law and his wife, one the sister, and the other the niece of the Constable, both devoured by ambition, he openly detested the government of the Queen mother and the Guises. All his thoughts and actions tended to a revolution. He figured to himself that if the war should be enkindled by his intrigues and for his interests, not only he would become the chief of a numerous party, but moreover he would procure to himself riches, advantages, and perhaps the sovereignty of several cities and provinces of the kingdom. Full of these high ideas, he

* How could such a booby beget so sensible a man as Henry IV.? J. A.

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assembled again at La Ferté, an estate of his inheritance, situated on the frontiers of Champagne, the princes of his blood, and the principal lords of his party, and harangued them in this manner. 'In vain have we hitherto employed the means of delicacy and moderation. It is only hereafter by the most vigorous efforts that we can prevent the ruin of the royal family, and of all those who have not been able to resolve to cringe servilely under the tyranny of the Queen mother and the Guises. It is no longer seasonable to dissemble outrages of which no man can be ignorant, and which we have suffered with too much patience. We are banished from court, and the government of Picardie and the office of Grand-Master is taken from us. Finances, offices, dignities, are the prey of foreigners and persons unknown, who hold the King in captivity. The truth never reaches the throne. The best part of the nation is oppressed to elevate traitors, who fatten on the blood of the people and the treasures of the state. It is on violence that the tyranny of these strangers is founded, who persecute with so much ferocity the royal blood. Let us employ violence also to destroy this tyranny. It will not be the first time that the princes of the blood have taken arms to maintain their rights. Peter, Duke of Brittany, Robert, Earl of Dreux, and several other lords, opposed, during the minority of St. Louis, the Queen Blanche, his mother, who had seized on the government. Philip, Earl of Valois, employed all his forces to exclude from the regency those who pretended to usurp it. Under Charles VIII., Louis, Duke of Orleans, took arms to cause himself to be elected regent, instead of Ann, Duchess of Bourbon, who, in quality of eldest sister of the young King, had taken into her hands the reins of the state. Let us imitate our wise ancestors, let us follow such striking examples. We find ourselves in the same case. It is therefore our duty to employ the same means to save the nation. Let not the apparent pleasure of the King restrain us. This prince, buried in a lethargic dream, and in his own imbecility, perceives not the deplorable slavery to which they have reduced him. He waits, from the princes of the blood, the assistance which is expected from an enlightened and skilful physician, by patients who feel not their distempers and know not their danger. The duties of our birth and the unanimous wishes of the nation authorize us to break the fetters with which this prince is loaded, and to redress the

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evil before it arrives at its last extremity. A vigorous resolution must be taken without delay. Let us hasten to be beforehand with our enemies, if we wish to surmount a thousand obstacles, which will arrest us if we waste the time in deliberation, and which a sudden execution alone can overcome. Sloth and timidity will only aggravate upon our necks the weight of a yoke equally shameful and fatal. Can we hesitate, when our tranquillity, our honor, and our lives have no other resource than in the valor of our arms?'

"This discourse, pronounced with a military tone, had already agitated minds before disposed to take arms, both from attachment to his house and their private interests. But the Admiral Coligni, who weighed more maturely all the consequences of such an enterprise, alone ventured to oppose the opinion of the Prince, by advising to employ, in the execution of his design, a mean more proper to ensure the success of it. 'It would be,' said Coligni, 'too desperate a resolution to expose so openly to the hazards of war the fortunes of the House of Bourbon, and of so great a number of persons allied to their blood or attached to their interests. We are not supported by any forces at home or alliances abroad. We have no fortified places, and are without troops and without money. In the impossibility to act with open force, let us substitute policy in the stead of force. Let us endeavor, without discovering ourselves, to employ other arms to execute for us what we are not in a condition to undertake for ourselves. The kingdom is filled with a multitude of people who have embraced the doctrine lately introduced by Calvin. The severity of the researches made for them, and the rigor of their punishments, reduce them to despair, and to the desire, as well as necessity, of braving every danger to rescue themselves from a destiny so horrible. They all know that the Duke of Guise, and especially the Cardinal of Lorraine, are the principal authors of the persecution; that this last pursues ardently their destruction, in the parliaments and in the king's councils, and never ceases to rail at their doctrines in his public harangues and private conversations. If the discontents of this multitude have not blazed out, it has been merely for want of a leader capable of guiding it and of animating it by his example.* If

* Cromwell, when defeated with tapsters, forced them and others with religion. O religion! O liberty! Ye ought not to be made stalking-horses to ambition. J. A. 1813.

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they should be stimulated ever so little, they will blindly confront the greatest dangers, in the hope of delivering themselves from the misfortunes which threaten them. Let us avail ourselves of this resource; let us encourage this multitude already disposed to commotions; let us give a form to their designs; let us arm their hatred against the Guises; let us put them in a condition to attack these strangers in good order and with advantage. Our designs in this way will execute themselves, without exposing or committing us, without our appearing to have any part in them. In augmenting our forces with all those of the Calvinists, we shall support ourselves by the protection of the Protestant princes of Germany, and of Elizabeth, Queen of England, who patronize openly the new religion. Our cause will become better, and our pretext more plausible. We will reject upon the Protestants the boldness of their enterprise, and we shall convince the whole world that it is neither interest nor ambition, but simply the difference in religion which has excited us to arms.' "

It should be remembered here that Davila was a Catholic and Coligni a Protestant. The latter one of the greatest, although the most unfortunate men of his age, was as sincere in religion, as pure in morals, and as honorable in the whole conduct of his life, as any one of his contemporaries. That he was desirous of engaging the Bourbons and Montmorencis to favor the Calvinists and liberty of conscience, is probable. But he is represented by the best French historians as so much attached to the King, as to have been even suspected by his party. The harangue which Davila puts into his mouth, is too much like a mere politician, and too little like a philosopher or a Christian, to be consistent with his character.*

* The haughty, arrogant insolence of aristocracy, and the feeble, timorous patience and humility of democracy, are apparent in this and all other history. But when democracy gets the upper hand, it seems to be conscious that its power will be short, and makes haste to glut its vengeance by a plentiful harvest of blood and cruelty, murder, massacre, and devastation. Hence despotism! Hence Napoleon! Hence Cæsar! Hence Cromwell! Hence Charles XII.! Hence Zengis! Hence Tamerlane! Hence Kouli Khan!

O man! Art thou a rational, a moral, a social animal?

J. A. 1813.

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XIX.

Mais l'un et l'autre Guise ont eu moins de scrupule.
Ces chefs ambitieux d'un peuple trop crédule,
Couvrant leurs intérêts de l'intérêt des cieux,
Ont conduit dans le piége un peuple furieux. VOLTAIRE.

"THE eloquence and authority of Coligni prevailed with the others to embrace the party of the Calvinists, to whose doctrines several of the noblemen then present in the assembly were secretly devoted. The common voice was in favor of this advice, which, affording hopes as near accomplishment and better founded, diverted them from taking arms of a sudden, and concealed for some time the view of dangers to which the most determined do not expose themselves but in the last extremity.

After Martin Luther had introduced into Germany the liberty of thinking in matters of religion, and erected the standard of reformation, John Calvin, a native of Noyon, in Picardie, of a vast genius, singular eloquence, various erudition, and polished taste, embraced the cause of reformation. In the books which he published, and in the discourses which he held in the several cities of France, he proposed one hundred and twenty-eight articles in opposition to the creed of the Roman Catholic church. These opinions were soon embraced with ardor, and maintained with obstinacy, by a great number of persons of all conditions. The asylum and the centre of this new sect was Geneva, a city situated on the lake anciently called *Lemanus*, on the frontiers of Savoy, which had shaken off the yoke of its bishop and the Duke of Savoy, and erected itself into a republic, under the title of a free city, for the sake of liberty of conscience.

From this city proceeded printed books and men distinguished for their wit and eloquence,* who, spreading themselves in the neighboring provinces, there sowed in secret the seeds of their doctrine. Almost all the cities and provinces of France began to be enlightened by it. It began to introduce itself into the kingdom under Francis I., in opposition to all the vigorous resolutions which he took to suppress it. Henry II. ordained, with inexorable severity, the punishment of death against all who

* Let not Geneva be forgotten or despised. Religious liberty owes it much respect, Servetus notwithstanding. J. A. 1813.

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should be convicted of Calvinism. The Cardinal of Lorraine was the high priest, and the proud tyrant, who counselled and stimulated the King to those cruelties and persecutions, which, by the shedding the blood of all the advocates of civil liberty, might have wholly suppressed it, if the unexpected death of Henry II., which the Calvinists regarded as a miracle wrought in their favor, had not occasioned some relaxation under Francis II. The Duke of Guise and the Cardinal of Lorraine persisted in their bloody, persecuting resolutions. But they did not find in the parliament nor in the other magistrates the same promptitude to execute the orders which they gave in the name of the King.

Theodore Beza, a disciple of Calvin, celebrated for his eloquence and erudition, had already converted several persons of both sexes and of the first nobility of the kingdom. And it was no longer in the stables and cellars that the Calvinists held their assemblies and preached their sermons, but in the houses of gentlemen and in the palaces of the great. The people called them *Huguenots* or *Aignossen*,[1] confederates. The Admiral Coligni, and several other noblemen, had indeed embraced the new doctrine as it was called. But the Calvinists, restrained by the fear of punishment, still held their assemblies in secret, and the great dared not declare openly for them.

"The Bourbons, finding France in a condition favorable to their present interests, embraced greedily the proposition of Coligni, and they deputed d'Andelot and the Vidâme de Chartres to negotiate this affair with the Calvinists. These able agents, who both had embraced Calvinism, easily found a multitude of persons disposed to communicate to others the project in contemplation, and to make the necessary preparations for its execution. The Calvinists, agitated without interruption by the terror of dangers and punishments, served them with so much promptitude and concert, that they placed things in a train in a short time to succeed.

"The first measure advised by d'Andelot and the Vidâme de Chartres was, that a large number of those who professed the Protestant religion should assemble and present themselves without arms at court, to petition the King for liberty of conscience, the public exercise of their religion, and permission to have temples for that purpose."

[1] Eidgenossen.

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Davila, the Catholic and Italian, has recorded in this place all the party exaggerations of his mistress and the Guises. He says that, "if the petition of the Protestants should be severely and haughtily rejected, as it indubitably would be, they were immediately to march troops assembled secretly from all the provinces; that these should suddenly appear under different leaders, who should be appointed for them; that finding the King unguarded and the court without defence, they were to massacre the Duke of Guise and the Cardinal of Lorraine, with all their creatures; and oblige the King to declare regent and lieutenant-general of the kingdom the Prince of Condé, who should grant them a cessation of punishment and liberty of conscience. It was believed at the time, and published, that the chiefs of the conspiracy had given secret orders, if every thing succeeded to their wishes, to put to the sword the Queen mother, the King himself, and his brothers, that the crown, in this way, might descend to the Princes of Bourbon."

But Davila himself acquits them of this atrocious accusation, by adding that, "none of the accomplices having avowed this horrible design, neither when on the rack nor of their own accord, but all, on the contrary, having formally denied it, I cannot relate it as a fact. We know very well, that fame, aided by the vain terrors of the people and the malignity of the great, takes a pleasure in magnifying objects to infinity.

"The plan being thus concerted among the conspirators, they divided the provinces and employments among the principal Calvinists, that the execution might be attended with as much order and secrecy as possible. La Barre de la Renaudie assumed the principal part, and put himself at the head of the enterprise. This was a person celebrated for his travels and adventures. His wit and courage had acquired him credit among the Huguenots. He wanted neither spirit to undertake nor vivacity to execute. The derangement of his fortune had reduced him to the alternative of procuring himself a better condition by some daring attempt, or of terminating his misfortunes by a sudden death. Although issued from the first nobility of Périgord, he had wandered long in different countries, and had at length taken refuge in Geneva, where by his subtilty he had acquired some consideration. Such was the birth and character of the principal leader of the conspiracy, who was soon followed

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by a great number of associates, some excited by a zeal for religion, others by the attractions of novelty, and others simply by that natural inquietude, which never permits the French to languish in idleness.

"La Renaudie confided to the chiefs among them the care of assembling their partisans, and conducting them to the rendezvous. The intelligence with which he distributed provinces, introduced a kind of order into this confusion. Castelnau had the department of Gascony; Mazeres, that of Béarn; Dumesnil, that of Limousin; Mirebeau, that of Saintonge; Coqueville, Picardie; Mouvans, Provence; Maligni, Champagne; Sainte-Marie, Normandy; and Montejean, Brittany; all famous for courage, distinguished by their nobility, and considered in their cities and cantons as heads of the party. These factionaries, after having assembled at Nantes, a city of Brittany, some under the pretext of a lawsuit, and others under that of a marriage, repaired with great diligence to the posts which were assigned them. In a few days, and with admirable secrecy, they there gained an infinite number of persons of all conditions, ready to sacrifice their lives for an enterprise which their preachers assured them tended to the advantage and tranquillity of the state.

"The Prince of Condé, who secretly lighted up this conflagration, advanced by moderate days' journeys to the court. He wished to be witness of the event, and to take suddenly, according to circumstances, the part which should appear to him the most advantageous. The Admiral, always circumspect, feigned to remain neuter. He retired to his estate at Châtillon, under the pretext of enjoying the sweets of private life, without meddling with affairs of the public or of government; but, in reality, it was as much to aid the conspiracy by his counsels and information, as to avoid the accidents which might defeat an enterprise which he judged rash and dangerous. The conspirators, who were not agitated with similar anxieties, but full of the most flattering hopes, had begun their march in secrecy, carrying their arms concealed under their clothes. They advanced separately by different roads, and in the order which had been marked out by their chiefs, towards Blois, where the court resided at that time. This city was open on all sides, and without fortifications, and the conspirators were to meet in its suburbs, on the fifteenth day of March, 1560.

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"But, whatever might be the activity of their proceedings and the secrecy of their counsels, they could not escape the penetration of the Guises. The favors, pensions, and employments they conferred, and their great reputation, had attached to them so many creatures in the different provinces of the kingdom, that they were punctually informed of all the movements of the conspirators. It was, indeed, impossible that the march of so numerous a multitude could remain unknown, when conspiracies whose secrets are confined to a small number of persons of the most consummate discretion and fidelity, are almost always discovered before their execution. Whether the secret was disclosed by La Renaudie or Avenelles, or discovered by the spies employed by the ministry, even in the houses of the principal conspirators, or whether information of it came from Germany, as soon as the Guises had received it, they deliberated on the means of defeating it.

The Cardinal of Lorraine, who was no soldier, advised to assemble the nobility of the nearest provinces, to draw from the neighboring cities all the garrisons to form a body of troops, and to send orders to all the commanders and governors to take the field, and put to the sword all the men whom they should find in arms. He presumed that the conspirators, perceiving themselves to be discovered, and informed of the measures taken against them, and which fame would not fail to exaggerate, would disperse of themselves. The Duke of Guise, more familiar with danger, and despising the transports of a multitude without discipline or order, regarded the advice of the Cardinal as more proper to palliate the distemper than to cure it; adding that, since it was so pernicious, and had insinuated itself into the heart of the kingdom, it was useless to temporize, and give it opportunity to break out with more violence. He thought it, therefore, more prudent to dissemble, and affect ignorance of the enterprise, to draw in the conspirators, and give them time to discover themselves; that, in such a case, their defeat and punishment would deliver France from a fatal contagion, which, as it discovered itself by symptoms so terrible, demanded violent remedies, and not simple lenitives. He added that, in punishing separately only a part of the conspirators, they should furnish matter to the ill-intentioned to calumniate the authors of this severity; that the people, little accustomed

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to such insurrections, would regard this as a chimera, and as a fable, invented by the ministry to crush their enemies and establish their own power and authority; whereas, by overwhelming all the conspirators at once, when upon the point of execution, they should dissipate all false accusations, and justify in the sight of all the world, the rectitude and the sincerity of the intentions of those who were at the head of affairs.

"Catherine agreed with the Duke. No extraordinary preparation was made, which could excite a suspicion that the conspiracy was known. They only removed the King and the court to *Amboise*, ten leagues from *Blois*. This castle, situated on the Loire, and in the midst of forests which fortify it naturally, appeared to be a safer asylum; as it was easy to place in security the King and the two Queens in the castle, while a small number of troops should defend the entrance of the village, which was of difficult access."

Eagle-eyed, high-souled ambition seldom misses its opportunity. "The Guises resolved to profit of a conjuncture so advantageous to cement and increase their power, by causing the fall of their rivals to promote their own elevation, as poisons are sometimes by uncommon skill converted into remedies. They entered the King's apartments without the knowledge of the Queen, affecting with terror to exaggerate the danger; they described all that was reported to be plotted against the government, his most faithful subjects, and his royal person. They explained to him that the danger was imminent, that the conspirators were already at the gates of Amboise, with forces much more formidable and numerous than had been suspected. Finally, they demanded orders, the promptitude and energy of which should be proportioned to the grandeur and proximity of the danger. The King, naturally timid as well as weak, and at this moment forcibly stricken with the greatness of the danger which threatened him, ordered the Queen and all his ministers to be called, to consult on the means proper to repress the impetuosity of so violent a rebellion. Nothing was seen on all sides but subjects of terror. Every measure that was proposed appeared hazardous. The Cardinal of Lorraine exhausted all his artifices and all his eloquence to exaggerate the danger and increase the irresolution. The King, incapable of deciding, and of sustaining the weight of government in circumstances so

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critical, nominated, of his own mere motion, the Duke of Guise his lieutenant-general, with full and complete authority. He added that, not feeling himself adequate to act, he abandoned to the prudence and valor of the Duke the conduct of his kingdom, and the care of appeasing the troubles which agitated it.

"Catherine, although she felt an indignation at this bold attempt, could not oppose it without an open rupture with the Guises, in a moment when the safety of the state depended on their union. She perceived the occasion there was for a chief, whose experience and reputation might take the place of the imbecility and irresolution of the King, as likely to enervate the courage of his own troops, as to increase the insolence of his enemies. Monarchs the most absolute, and even republics the most jealous of their liberty, had often conferred the supreme authority on a single man, when the greatness of dangers had appeared to require a resource so extraordinary. Besides these views, which regarded the preservation of her son and his states, she foresaw the carnage which could not fail to be made, and that the hatred of the princes of the blood, and the enmity of the people, would fall necessarily on the Duke of Guise, commanding alone, and with an absolute authority.

"The integrity of the Chancellor Olivier was still an obstacle; little satisfied that an authority so unlimited should be granted to a subject, he appeared to suspend his judgment. His credit and firmness might have prolonged, if not defeated the measure. The Queen mother, however, determined him, by alleging that, as soon as the storm should be dissipated, they might restrain by new edicts and fresh declarations the excessive power to be given to the Duke, and confine him within the bounds of duty and reason; that it was the interest of all that the effusion of blood should be done by the sole orders of the Duke, and that neither the King, his relations, or ministers, should appear to dip their hands in it. The Chancellor, persuaded by these reflections, sealed the commission, giving to the Duke of Guise the title and authority of Lieutenant-General of the King, in all the provinces and territories of his obedience, with absolute power, as well in civil as military affairs.

"The Duke, as soon as he had obtained the dignity and authority which he had always desired, turned his attention to suppress the conspiracy. He made able and soldier-like ar-

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rangements for defending the castle and village of Amboise, and sent out parties of cavalry, as well as infantry, to attack the insurgents."

A detail of their skirmishing would be as little interesting, as it would be to the purpose we have in view. La Renaudie fought with a bravery which well became the Protestant cause, and fell, with Pardaillan, his antagonist, in the combat; though his soldiers, collected in haste, could not stand against veteran troops. A Captain Lignieres, one of the conspirators, terrified at the greatness of the danger in the moment of execution, or stricken with remorse, or desirous of making his court, abandoned his accomplices, and galloped by another road to Amboise. He detailed to the King and Queen the quality and number of the conspirators, the names of their chiefs, and the roads by which they were approaching. The Prince de Condé was immediately put under guard, by order of the King, to hinder him in any manner from favoring the enterprise of the insurgents, as he promised them. The conspirators, in fine, were defeated and dispersed. Some perished in the flames of the houses to which they fled; others were hanged upon the trees in the neighborhood, or on the battlements of the castle. Multitudes were massacred in the neighborhood of Amboise; the Loire was covered with dead bodies; the blood ran in streams in the street; and the public places were filled with bodies hanging on gallowses. The punishment of these miserable men, tormented by the soldiers, and butchered by executioners, severities which the Guises thought necessary, became the source of carnage and of rivers of blood, which deluged France for many years in a most tragical and deplorable manner.

XX.

Faible enfant, qui de Guise adorait les caprices,
Et dont on ignorait les vertus et les vices. VOLTAIRE.

"ALTHOUGH the insurgents were dispersed and their leaders executed, the Bourbons, and the other grandees of their party, the secret authors of the conspiracy, still lived. The council of the King, in examining into the motives of the late troubles, agreed without difficulty that they were the work of the princes

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of the blood;* and that to maintain the authority of the King and the ministry, the only sure means would be to rid themselves of the chiefs and authors of the conspiracy, as perturbators of the public repose, as favorers of heresy, and as rebels, who, attempting the person of their sovereign, had violated the fundamental laws of the monarchy.† But the princes of the blood were too nearly on a level with the King; they had too much influence with the people; they had too much power in the state. The King, indeed, was furious; the Queen mother was anxious; the Guises afraid of losing their power. But the Constable Montmorenci, the King of Navarre, and the Prince de Condé, all supposed to be at the bottom of the evil, had so much consequence in the world, that nothing but dissimulation and irresolution prevailed in the cabinet.

"The council, after disguising under a veil of deep dissimulation its real design, resolved, at length, to convoke the assembly of *the States-General, in whom resides the whole authority of the kingdom.*‡ Two reasons determined them,—first, that, to execute the important resolution of the King against the princes of his blood, it would be useful to have it confirmed by the unanimous, or, at least, the apparent consent of the nation. The second reason was that, by declaring that they meant to deliberate in this assembly on the measures necessary to compose the present troubles, to regulate the affairs of religion, and to adjust the administration of the state for the future, the King would have a plausible pretext to summon about his person all the princes of the blood, and all the officers of the crown, without giving them umbrage; and that they would be inexcusable not to come, since they were promised that the deliberations should be concerning a reformation of government, which they appeared so much to desire. *Kings*," says Davila, "*never see with pleasure, or indeed voluntarily, these assemblies of the States-General, where their authority seems to be*

* Every one of the three parties a mere oligarchical cabal.

† Cut off the heads of the tallest poppies. Tarquin and all other heads of parties; Marat, Charlotte Corday, Robespierre, Danton, &c. &c.

‡ All authority in one centre, and that centre the nation! The clergy, the nobility, and the third estate! Neither had a negative on the other. The representation of the third estate was a mere mockery. The King had no negative on the states; they none upon him. All was uncertainty, confusion, and anarchy. J. A. 1813.

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eclipsed by the sovereign power of the nation, whose deputies represent the whole body." *

Upon this passage the French writers cry out, "It is a stranger who speaks, ill-informed of the fundamental constitution of our monarchy. This Italian imagines that the royal authority was suspended during the session of the States-General. But it was the royal authority which called them together. Without it, they could not have assembled; and the same authority had a right to dismiss them at its pleasure. It is therefore evident that their power was always subordinate to that of the monarch." But this consequence does not follow. The royal authority in England has the power of convoking, proroguing, and dissolving parliament. Yet parliament is not subordinate to the royal authority, but superior to it; as the whole is superior to a third part. The sovereignty is in parliament or the legislative power; not in the King or the executive. So the sovereignty might be in the States-General, comprehending the King. If there are "twenty examples of the States-General convening and separating, by the simple orders of the King;" if "the Dauphin, Charles V., during the detention of King John, his father, convoked several times the States-General, and dismissed them when he judged proper," it will not follow from all this that the States were not a part of the sovereignty. Nor will it follow that they had no authority but to advise and remonstrate. "If the sentiments of the Italian author were true," add these writers, "it would follow that the authority of parliaments and courts or companies, whose power is nothing but an emanation from the royal authority, would be suspended during the session of the States-General; a pretension absolutely contrary to the usages and maxims of the kingdom." But how does it appear that the power of the parliaments and courts or companies were emanations of the royal authority? There is more probability that they were originally committees of the States-General, and in that case their power would not be suspended, unless it were expressly suspended by a resolution or order of the States. But if these tribunals were only a part of the executive power, and constituted by the King, it would not follow from this conces-

* The nation has found a mode of uniting all authority in one centre, and that centre Napoleon, who, in 1813, thinks he has cured the ideology of the nation; but he has not, nor his own. J. A.

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sion, that the States-General were no part of the sovereignty or legislative power. Is there one national act upon record which acknowledges the King of France to be an unlimited sovereign? If there is not, the opinion of Davila appears to be better founded than that of his critic.

There was always a rivalry between the royal authority and that of the States, as there is now between the power of the King and that of the National Assembly, and as there ever was and will be in every legislature or sovereignty which consists of two branches only.* The proper remedy then, would have been the same as it must be now, to new-model the legislature, make it consist of three equiponderant, independent branches, and make the executive power one of them; in this way, and in no other, can an equilibrium be formed, the only antidote against rivalries. The rivalry between the Kings and States-General in France proceeded in the struggle for superiority, till, the power of the former increasing, and that of the latter diminishing, the States-General were laid aside after 1614, and the crown on the head of Louis XIV., in fact, but not of right, became absolute. In the same manner the rivalry between the popes and general councils proceeded, till the latter were discontinued and his Holiness became infallible. In short, every man and every body of men is and has a rival. When the struggle is only between two, whether individuals or bodies, it continues till one is swallowed up or annihilated, and the other becomes absolute master. As all this is a necessary consequence and effect of the emulation which nature has implanted in our bosoms, it is wonderful that mankind have so long been ignorant of the remedy, when a third party for an umpire is one so easy and obvious.

"Francis II. in this year, 1560, issued a proclamation concerning the affairs of the nation, and declared that he had

* The constitution of 1789.

Ellsworth moved in senate a vote of approbation of this constitution. I was obliged to put the question, and it stands upon record. Madison moved a vote of admiration in the house, and it was recorded there. Washington, Jefferson, and all admired it. John Adams alone detested it. Talleyrand asked me what I thought of the executive power in it. I answered, "the king is Daniel in the lion's den; if he ever gets out alive, it must be by miracle." Talleyrand again asked my opinion of the executive power in a subsequent constitution. I answered, "it is Shadrach, Meshech, and Abednego in the fiery furnace. If they escape alive, it must be because fire will not burn. This constitution cannot last longer than the other." J. A. 1813.

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resolved to assemble at Fontainebleau all the princes and the notables of his kingdom, in order to take their advice concerning the urgent necessities of the state. He granted to all his subjects full liberty to come there in person or by deputies, or to send memorials to lay open their grievances, with promise to give them a favorable hearing and to grant all their requests so far as equity and reason would permit."

The real intention of the Guises at this time was to take vengeance of their rivals; but to conceal this design under the most profound dissimulation, until a favorable moment should arrive to carry it into execution. A series of refinement in artifice was practised to put off their guard the Prince de Condé, the Constable de Montmorenci, the Admiral Coligni, and all the others of their party; at the same time that arrangements were made in all the provinces, and troops were assembled about the court, under commanders who were in its confidence.

"About this time died the Chancellor Olivier, destroyed, as was reported, by chagrin at the cruelties practised at Amboise. He was succeeded by Michel de l'Hôpital, who united to a profound erudition a consummate experience in business."

To show the universal prevalence of emulation and rivalry, of jealousy and envy, not only between opposite parties, but among individuals of the same party, it is necessary to observe here that De l'Hôpital, notwithstanding his genius, so penetrating and so fruitful in resources, was elevated with great difficulty to this eminent dignity by the Queen mother, in opposition to the Guises, who insisted long for Louis de Morvilliers. Catherine began to dread the too great elevation of the Guises, and wished to confer this important office on a subject entirely devoted to her interests.

At the assembly of the notables at Fontainebleau were found the chiefs of both parties, excepting the Princes of Bourbon, one of whom, however, the King of Navarre, sent his secretary, La Sague. After the customary speeches of the King, Queen, Chancellor, Duke of Guise, and Cardinal de Lorraine, "Coligni arose, approached the King, and presented him a paper, saying that it was a petition of those of the reformed religion, who had instructed him to present it to his Majesty, founded on the faith of edicts, by which he had permitted all his subjects to lay open their grievances. He added, that although it was not signed by

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any one, yet if his Majesty should order it, one hundred and fifty thousand men were ready to subscribe it. The petition demanded only liberty of conscience and to have churches for public worship in the cities. The Cardinal de Lorraine, with all that impetuosity which the natural vehemence of his temper, added to the ardor of his spiritual zeal and temporal ambition,* inspired, called it seditious, insolent, rash, and heretical; and added, that if, to intimidate the youth of the King, Coligni had advanced that it would be signed by one hundred and fifty thousand rebels, he would be responsible for a million of good citizens, ready to redress the impudence of the factions and compel respect to the royal authority.

"As to the differences of religion, those who inclined to Calvinism proposed to demand of the Pope a free, general council, where they might discuss and decide by common consent, the matters of controversy; that if the Sovereign Pontiff should refuse to grant one, the King ought, after the example of some of his wise predecessors, to assemble a national council. But the Cardinal of Lorraine answered that there was no occasion for any other council than that which the Pope had already called at Trent, which had already reprehended and condemned the doctrines of the innovators opposed to the Roman church.

"As to the constitution and government of the state, after an infinity of propositions and discussions, suggested by the variety of interests, Montluc or Marillac, by the secret order of the Queen, proposed an assembly of the States-General. And the two parties with one voice consented. The Constable, the Admiral, and their partisans, with the hope of obtaining a change in the ministry; the Queen mother and the Guises, because they hoped to destroy their rivals. An edict was accordingly passed at Fontainebleau, for holding the States-General, and the secretaries of state expedited letters-patents to all the provinces of the kingdom, with orders to send, in the month of October, their deputies to Orleans, there to hold the States-General.

"La Sague took the road to Béarn, charged with letters and commissions for the King of Navarre, from the Constable, the Admiral, and their adherents. At Etampes, he was arrested,

* Lorraine, the archetype of Laud. J. A.

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and all his papers seized and brought to court, by order of the Queen and the Guises. La Sague, interrogated on the rack, confessed that the design of the Prince of Condé, to which the King of Navarre was privy and consenting, was, to march from Béarn, under pretext of repairing to court, and to make himself master in his course of the principal cities of the kingdom; to take possession of Paris by means of the Constable and Marshal Montmorenci, his son, who had the government of it; in the next place, to cause to revolt Picardie, by the intrigues of Senarpont and Bouchavannes; Brittany, by those of the Duke d'Estampes, who, as governor, had a powerful party there. He declared that the Prince was ready to come to court, at the head of all the forces of the Huguenots, to oblige the States-General to dismiss from the ministry the Queen mother and the Guises, to declare that the King cannot be of age till twenty-two years old, and finally to give him for tutors and regents of the kingdom, the Constable, the Prince de Condé, and the King of Navarre. La Sague added, that by moistening with water the covering of the letters of the Vidâme de Chartres, they would see in writing all that he had revealed. The plan of the enemies of the Princes of Lorraine was, indeed, found upon trial written upon the cover of the letters of the Vidâme de Chartres, in the proper hand of Fremin-d'Ardoy, Secretary of the Constable. This revelation of the secret by La Sague, put the court upon a thousand manœuvres to strengthen their party in the provinces; but still they continued to dissemble their designs of vengeance. The Protestants somewhat encouraged on one hand by hopes, and still tormented with persecutions on the other, broke out in arms in several places."

But the Prince de Condé, whose anxiety must have been very great for his present safety, if his ambition was not as insatiable, and his natural inquietude as troublesome, as is represented, made an attempt to seize upon Lyons as a stronghold and an asylum for himself, and a place of arms for his party; but he miscarried, and many of his partisans, the poor Huguenots, were executed.

"As soon as the King was informed of this enterprise, he resolved not to give the discontented leisure to form new ones. He left Fontainebleau, accompanied with a thousand lances, and two regiments of old infantry lately returned from Pied-

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mont and Scotland. He took the road to Orleans, pressing the deputies of the provinces to repair to that city.

"The French nation is divided into three orders or states, — the clergy, the nobility, and the people. These three orders are distributed into thirty districts or jurisdictions, called Bailliages or Sénéchalsies. When an assembly of the States-General is to be held, they resort to the capital of their respective provinces, where they elect, each one separately, a deputy, who assists, in the name of his order, at the general assembly, and who enters into all the deliberations relative to the particular interests of each one of the three orders, and to the general good of the state. Each bailliage furnishes three deputies, — the first for the clergy, the second for the nobility, and the third for the people, under the name, which, in France, was then considered as more honorable, of *the third estate.* All these deputies assembled in presence of the King, of the princes of the blood, and of the officers of the crown, form the body of the States-General, and act in the name of the nation, whose power and authority they represent."

XXI.

——— My soul aches,
To know, when two authorities are up,
Neither supreme, how soon confusion
May enter 'twixt the gap of both, and take
The one by the other. SHAKSPEARE.

"WHEN the King is of age, and assists at the States-General, the deputies have the power to consent to his demands; to propose what they judge necessary for the good of the different orders of the state; to make their submissions in the name of the people to new imposts; to establish and accept of new laws and new regulations; but when the minority of the Prince or some other incapacity hinders him to govern by himself, the states have a right, in case of contestation, to elect the regent of the kingdom, to nominate to the principal offices, to form a council, and, if the masculine posterity have failed in the royal family, they may elect a new monarch, following, however, the dispositions of the salique law. Excepting these cases of necessity, the kings were accustomed to assemble the States-General

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in urgent conjunctures, and to determine, according to their advice, in affairs of most importance. In effect," says Davila, "what energy may not the resolutions of the prince derive from the concurrence of his subjects? What can be more conformable to the true spirit of monarchical government than this harmony between the sovereign and the people?"

In truth, Davila, though thou art a profound historian, thou art but a superficial legislator! History answers the question, that no energy at all, nor any thing but division, distraction, and extravagance, were derived to the resolutions of the Prince till the states were laid aside. In the language of my motto, two authorities were up, neither supreme, and confusion entered 'twixt the gap. Nothing can be more directly repugnant to monarchical government than such assemblies, because they set up rivals to the King, and excite doubts and questions, in whom the sovereignty resides.* If a negative is given by them to the will of the Prince, they become a part of the sovereignty, annihilate the monarchy, and convert it into a republic. If they are mere councils of advice, they become scenes of cabal for aspiring grandees to force themselves into the ministry. Never indeed was it more necessary to new-model the government and regenerate the nation than in the present conjuncture, when the rivalries of the grandees, employing as instruments the differences in religion, disturbed the whole kingdom, and demanded the promptest remedies.

"Upon the reiterated orders of the court, the deputies of the provinces had resorted to Orleans, from the beginning of October, 1560, and the King having arrived in person, accompanied by most of the lords and great officers of the crown, they waited only for the discontented lords and princes to open the assembly. The Constable and his sons were, as usual, at Chantilly. The King of Navarre and the Prince of Condé were still at Béarn. The King had written to them all to invite them to the states; and although they had not explicitly refused, they invented pretexts upon pretexts to excuse themselves and gain time. These affected delays distressed the King and the ministry. They apprehended with reason that the refusal of the princes of the blood, arising from their own suspicions or upon some certain

* Is it not astonishing that so great a man as Mr. Burke should tell the French nation that this constitution was a very good one? J. A. 1813.

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information of what was intended against them, would defeat all the projects and preparations, founded only on the hope that they would assist at the States-General. The Prince of Condé could not be in doubt that they had drawn either from the prisoners of Amboise or from La Sague or from the conspirators arrested at Lyons, evidence sufficient to discover his designs. No motive, therefore, could determine him to place himself a second time at the discretion of a court where his enemies were all powerful. The King of Navarre thought differently. Less culpable, or more credulous than his brother, he believed, that by going to the states, they should obtain, without difficulty, that reform in the government which had already cost them so much labor; whereas, by refusing to be present, they would betray their own interests and leave the field open to the ambition and violence of the Princes of Lorraine. He could not believe, that under the eyes of the whole nation assembled, a king scarcely out of his infancy, an Italian princess, and two strangers, would dare to imbrue their hands in the blood of the princes of the royal house, which the monarchs the most absolute and the most vindictive had ever regarded as sacred. All these motives determined him to venture to the states with the Prince, to whom he represented that they would infallibly condemn him unheard, if he continued obstinately to absent himself from court; whereas, by appearing there, and gaining to his interests the deputies in the states, there was every reason to hope, that if, on judging him with rigor, they should blame his proceedings, the equity of his pretensions would afford him a favorable color, and in the last extremity his birth would obtain him a pardon. All the confidants and partisans of the Princes supported this advice, except the wife and mother-in-law of the Prince of Condé, who constantly rejected it, and judged that his life was aimed at, and that of all the courses he could take, that which was recommended to him was the most dangerous.

"In the midst of these irresolutions, the King sent them De Crussol and Saint André, to engage them to repair to Orleans. These lords remonstrated to them, that an assembly so respectable, and which occasioned so great an expense to the King and the nation, had not been called but on their account, and to satisfy their complaints and demands. That they were there to deliberate on the means of reforming the government, and ap-

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peasing the disputes of religion; matters of so high importance, that they could not be decided without the presence and concurrence of the princes of the blood. That if the Princes of Bourbon, after having so often demanded the reformation of the government, and an examination of the cause of the Huguenots, refused to assist at the states assembled for those purposes, it would seem that they meant to trifle with the King, and insult the majesty of an assembly which represented the body of the nation. That they ought hereafter to impute to themselves alone their exclusion from dignities and governments, since they had not deigned to come and receive the authority which the King appeared disposed to grant them, with the concurrence of the states. That, this conduct proving their little attachment to the service of the King and the good of the kingdom, they ought not to be surprised if the firmest resolutions should be taken to extirpate the seeds of discord and manifest designs to disturb the state. That if the King was disposed to reward such as gave him proofs of their obedience and fidelity, he was equally determined to reduce to a forced but necessary submission those who should attempt to resist his will, and excite revolts in the cities and provinces of his kingdom; a crime of which he would suspect the Princes of Bourbon, as long as they should neglect to justify themselves, and their absence and obstinacy should confirm the injurious reports which were spread concerning them. That, hitherto, neither the King nor his council had given credit to them; but that the King desired that, for the honor of the royal blood, the princes would give proofs of their fidelity, and of their zeal for the good of the state, and would justify the sincerity of their intentions in the eyes of France, whose attention was attracted and fixed by the assembly of the states. These representations made little impression on the Prince of Condé, who was resolved not to risk his person in a place where enemies could do all things. But his firmness was, in the end, constrained to bend under the necessity. Crussol returned to court, with an account of the aversion of the prince to come to the states. The Guises advised to employ force to determine him. The Queen did not oppose it; and the King took the resolution to constrain them by force of arms. To this end, they sent De Thermes into Gascony, and began to form, under his command, an army com-

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posed of gendarmerie and all the infantry distributed in the neighboring provinces.

"The Bourbons were without troops, destitute of every thing, shut up in Béarn, a little province at the foot of the Pyrenees, wedged in between France and Spain. They doubted not that if, on the one hand, the troops of the King assembled in Gascony, and on the other, those of the King of Spain, who ardently wished to invade the feeble remains of Navarre, should attack them, they should easily be subjugated and stripped of their dominions. The insurrections which the Prince of Condé had excited in France had been attended with no success. He was in Béarn, without troops and without money. The King of Navarre, who would not expose the rest of his states, nor his wife and children, whom he had about him, yielded to necessity, more powerful than any counsels, and finally determined his brother to make the journey to Orleans, in the general persuasion that, especially during the session of the states, the ministry would not take any violent resolution against them; whereas, by obstinately remaining at Béarn, they should expose themselves to the infamy which always accompanies the name of rebels, and ruin themselves without resource. The Cardinal of Bourbon, their brother, contributed not a little to hasten this resolution. The softness and ductility of his character, his aversion to troubles, his tenderness for his brothers, and the insinuations of the Queen, engaged him to ride post to Béarn, as soon as he learnt the intentions and preparations of the court, to force the King of Navarre and the Prince of Condé to appear at the states. He exaggerated, on one hand, the number of troops destined against them, and capable of crushing them; and, on the other, he assured them, that the King and the Queen had discovered none but favorable dispositions, and an earnest zeal to reëstablish concord and public tranquillity. They left, therefore, the Queen Jane and her children at Pau, and, with few attendants, all three together took the road to Orleans.

"The Constable, whom the court affected to urge less, because he was in a place where he might be more easily compelled, had commenced his journey with more confidence in appearance, but in reality with more precaution. He had not abetted the discontented but with his counsels, which only tended to demand justice of the states, without plotting conspiracies or exciting

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insurrections. A refusal to go to court might fortify the suspicions conceived against him. He therefore employed artifice and dissimulation to delay his arrival, and regulate his proceedings by the example of the princes. Arrived at Paris, he pretended to be attacked with the gout, and returned to Chantilly to reëstablish his health. He again attempted to proceed, but, under the pretext* that the change of air and the motion of the carriage incommoded him, which his advanced age rendered plausible enough, he travelled by little day's journeys, frequently by cross ways, at a distance from the great road, where he made long delays to prolong the time till the arrival of the princes. His sons, in persuading him to hasten his march, represented to him, that neither the Queen mother nor the Guises would ever dare to attempt any thing against a man so respected as he was in the kingdom. The Constable, instructed by experience, answered them, that the ministry could govern the state at its pleasure, and without opposition, though they seemed to be preparing for themselves a formidable one, by calling the States-General. That this conduct enveloped some mysterious intrigue, which he should be able to unveil with a little patience. This judicious reflection abated the ardor of the young lords, and the Constable continued to temporize.

"Nevertheless, the King of Navarre and the Prince of Condé had been received on the frontiers by the Marshal de Thermes, who, under the pretext of paying them the honors due to their rank, followed them with a large body of cavalry, to make sure of the cities become suspected by the deposition of La Sague. At the same time, he ordered possession to be taken by other troops, both of cavalry and infantry, of all the roads which the princes left behind them, lest a change of their resolution should determine them to return. As soon as it was known at court that the princes had entered the kingdom, and were so well observed by De Thermes, they arrested, all on a sudden, Jerome Grollot, Bailiff of Orleans, accused of intelligence with the

* Pretexts, cloaks, veils, masques. Hypocrisy, duplicity, intrigue, Machiavelism, Jesuitism, Pharisaical simulation. So says honest candor. So says naked frankness.

But how could simplicity live and treat with such duplicity? How could lambs live with such wolves? How could chickens defend themselves in such kennels of foxes? How could doves feed, with such flocks of eagles, hawks, and owls hovering over them? J. A. 1813.

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Huguenots, to cause a revolt of that city in favor of the discontented princes; and, by order of the King, they sent to prison the Vidâme of Chartres, who had been imprudent enough to remain in the capital. They had not the same success in attempting to seize d'Andelot. As prudent and subtle in providing against dangers, as ardent and daring in forming designs, he retired suddenly to the coasts of Brittany, resolved to embark for England in case of necessity. The Admiral Coligni, whose address and dissimulation," according to Davila, "had hitherto conducted every thing, without discovering or exposing himself, was among the first in the States-General, with design there to labor in favor of his party. The King and the Queen had received him, as usual, with benevolence. He employed himself in following with his eye all the measures of the court, in order to give information of them, secretly and with extreme precautions, to the Constable and the King of Navarre.

"All these delays were exhausted, when the princes of the blood arrived at Orleans, the twenty-ninth of October, without any person's going out to receive them, except a small number of their most intimate friends. They found not only the gates of the city guarded, but bodies of guards placed and batteries erected in the strongest posts, in the cross streets and public places; precautions which the court had not usually taken in times of war. They passed through the midst of this formidable apparatus, and came to the King's lodge, where they kept a more exact guard than at the head-quarters of an army. Arrived at the gate, they would have entered on horseback, according to the right attached to their rank; but they found only a wicket gate open, and were obliged to alight in the open street, and few persons appeared to receive or salute them. They were conducted to the King, whom they found sitting between the Duke of Guise and the Cardinal of Lorraine, surrounded by the captains of his guards. He received the King of Navarre and the Prince of Condé with a coldness very different from that affability which the kings of France are accustomed to practise to all their subjects, but above all to the princes of their blood. He conducted them soon to the Queen mother, where the Guises did not follow them. Catherine of Medici, who wished always to appear neuter and disinterested, received them with ordinary demonstrations of friendship, but

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with an affected sorrow and artificial tears. The King continued to treat them with the same coldness; and, addressing himself to the Prince of Condé, he began to reproach him in that, without having received from his Majesty either displeasure or ill treatment, he had, in contempt of all laws, divine and human, excited several times his subjects, enkindled a war in different parts of his kingdom, attempted to seize on his principal cities, and conspired against his life and that of his brothers. The Prince, without emotion, answered with firmness, that these accusations were so many calumnies forged by his enemies. We must proceed, then, replied the King, by the ordinary ways of justice to discover the truth. He went out of the apartment of the Queen, and commanded the captains of his guards to arrest the Prince of Condé. The Queen mother, forced to consent to this measure, but who had not forgotten that things might change from one moment to another, exerted herself to console the King of Navarre. The Prince complained of none but the Cardinal of Bourbon, his brother, who had deceived him, and suffered himself to be conducted to a neighboring house, destined for his prison. They had walled up the windows, doubled the doors, and made it a kind of fortress, defended by several pieces of artillery and a strong guard. The King of Navarre, astonished at the detention of his brother, breathed out his grief in complaints and reproaches to the Queen, who, casting all the blame on the Duke of Guise, as Lieutenant-General of the kingdom, endeavored only to exculpate herself. To him they gave for a lodging a house at a little distance from that which the King occupied, and guards to observe his motions; so that, excepting the liberty of seeing whom he pleased, he was in all other respects treated and confined like a prisoner. At the same time, they arrested Bouchart, his secretary, with all his letters and papers; and Madeleine de Roye, mother-in-law of the Prince, with all her letters and papers, at her seat at Anisi. Although they held the gates of Orleans shut, and suffered no person to go out, the news of these transactions were announced to the Constable, who was still but a few leagues from Paris. He suspended his journey, resolved to pass no further, but to wait and observe the consequences of these events."

Thus the mystery suspected by the Constable was unriddled.

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The States-General were summoned, only as a net is laid artfully to be sprung upon game. This game were the Constable and Princes, and their principal friends. They were a mere stalking-horse, behind which to shoot a woodcock; and that woodcock was the Prince of Condé. Although of the two authorities which were up, the court and the states, neither was supreme; yet the one, we see, might be taken by the other. We shall soon see that confusion entered by the gap.

XXII.

Intervenit deinde his cogitationibus avitum malum, regni cupido, atque inde fœdum certamen coörtum. LIVY.

"THE Queen mother and the Guises delayed no longer the opening of the States. They began by the profession of faith, drawn up by the Sorbonne, conformably to the doctrine of the Roman Catholic Church. The Cardinal de Tournon, President of the order of the Clergy, read it with a loud voice, and each of the deputies approved and adhered to it upon oath; a precaution which they judged necessary to assure themselves of the catholicity of those who were to have a deliberative voice in the general assembly. After this solemn act, the Chancellor proposed, in the presence of the King, the matters which were to be taken into consideration. *At the instance of the provinces, the three orders separated, to examine the respective demands and make report of their resolutions.*"

But all this was merely theatrical. It was nothing but farcical scenery. The Guises knew, as well as the Constable de Montmorenci, that the ministry could govern the kingdom and nation at its will, as a court or hereditary supreme executive always will, where it is checked only by a single representative assembly, especially if that assembly have no authority but to advise, unless it has recourse to violence. Nay, if it have legislative authority, the majority in that assembly can only govern by imposing its own men on the executive, in other words, by forcing the King to take their creatures into the ministry.* So that the ministry and the majority in the national assembly must

* Poor Louis XVI., his Queen, sister, son, &c. soon exemplified this observation. J. A.

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always act in concert and be agreed; and they generally are so, to the intolerable oppression of the minority, as in this case, until the minority rise in arms. Reformation of government, and liberty of conscience, and redress of grievances in religion, were subjects which the court had too much cunning to bring before the assembly. That would have been, as the Constable expressed it, to have prepared a formidable opposition to themselves. Had the point been then settled, that the States were a legislative assembly, and had the question of religion been brought fairly into deliberation and discussion before them, it is very probable that liberty of conscience to the Huguenots might have been the result, even in that age.

"But these," as Davila says, "were the smallest objects they had in view. All minds expected, with much more solicitude, the issue of the detention of the Prince of Condé. Their doubts were soon resolved by a declaration of council signed by the King, the Chancellor, and all the grandees, except the Guises, who, as suspected of partiality, affected not to appear in this affair. A commission was established for the trial of the Prince, with authority to render a definitive sentence. De Thou, President, and Faye and Viole, Counsellors of the Parliament of Paris, were the judges; Bourdin, Attorney-General, Tillet, Secretary. All the interrogations and acts were done in the presence of the Chancellor l'Hôpital. They heard the depositions of the prisoners of Amboise, Lyons, and others. They made preparations to interrogate the Prince. He refused to answer, alleging that in quality of prince of the blood, he acknowledged no other tribunal than the Parliament of Paris. He demanded an assembly of all the chambers of Parliament; that the King should be present in person, and that the twelve peers should have a voice as well as the great officers of the crown, according to the ancient usage; that he could not excuse himself for not remonstrating against a proceeding so unheard of and irregular, and from appealing to the King. This appeal was carried to council, and appeared authorized by reason, by the ordinary formalities, and by the customs of the kingdom. But the spirit of rivalry, which is the spirit of party, demanded a sudden vengeance. A party at present triumphant, but doubtful whether it were at bottom the most powerful, were impelled by fear, as well as hatred, to wish a prompt deci-

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sion. The appeal was declared null. But the Prince, having renewed it, and persisted in his protestations, the Council, at the motion of the Attorney-General, pronounced that they ought to consider the Prince as convicted, since he refused to answer to commissioners named by the King. In this manner they obliged him to submit to interrogatories, and pursued the trial, without loss of time, to final judgment."

The Princes of Bourbon, at the summit of misfortune, were very near expiating with their blood the heinous crime of daring to stand in competition with the Guises, to patronize liberty of conscience, and to shelter from persecution the distressed Huguenots; as Manlius was precipitated from the Tarpeian rock for being the friend of the oppressed debtors and the rival of Camillus and the Quinctian family. Both were accused, it is true, with crimes against the state. "The splendor of birth of the two Bourbons and their personal merit interested all France. Even their enemies pitied their destiny. The Guises alone, naturally enterprising, pursued constantly their designs, without regard to the merit or quality of those princes, whether they judged such an act of severity absolutely necessary to the safety and tranquillity of the kingdom, or whether, as their enemies supposed, they had nothing in view but the destruction of their rivals and the establishment of their own grandeur. They declared openly that it was necessary by two strokes at the same time to strike off the heads of Heresy and Rebellion."

Such is the spirit of sophistry, and such is the spirit of party.

The Queen mother, although she consented secretly, and wished that the resolution taken at Amboise, of destroying the Princes, should be executed, desired nevertheless, that all the odium of it should fall upon the Guises, as she had always had the address to accomplish.* She proposed to manage the two parties, for fear of those unforeseen events which the inconstancy of fortune might produce; and affected much grief and melancholy in her behavior, and reserve in her discourse. She had even frequent conferences with the two Châtillons, the Admiral and Cardinal, in which she appeared disposed to seek some expedient to extricate from danger the princes of the blood. She amused in the same manner the Duchess of Montpensier, a

* What an artful hyæna! J. A.

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princess full of the best intentions, an enemy of all dissimulation, and who judged of the characters of others by the rectitude of her own.* Her inclination to Calvinism, and her intimate connections with the King of Navarre, had enabled her to commence and continue between that Prince and the Queen a secret correspondence. These intrigues, although directly opposite to the conduct which the court held in public, were disguised with so much artifice, that the most clear-sighted could not unravel their genuine design, even when they reflected on the depths of the secrets of mankind, and the diversity of interests and passions which serve as motives to their actions. †

"Already the commissioners had rendered their judgment against the Prince of Condé. They had condemned him, as convicted of high treason and rebellion, to be beheaded before the palace of the King at the hour of the assembly of the States-General. They delayed the execution, only to draw into the same snare the Constable, who, in spite of the repeated instances of the court, still delayed his journey to the states. They wished to involve in the same proscription the King of Navarre, but they had not proofs against him, sufficient to satisfy their own creatures, when one morning the King, in dressing himself, fell all at once into a swoon so deep and violent, that his officers believed him to be dead. He recovered his senses, it is true. But his malady was judged to be mortal, and his life was despaired of. This fatal mischance terrified the Guises. They pressed the Queen mother to execute the sentence against the Prince of Condé, while the breath remained in the body of the King, and to take the same resolution against the King of Navarre, to prevent all the revolutions which they might have to fear in case of the King's death. They represented to her, with warmth, that this was the sole means of preserving the crown to her other infant children, and of dissipating the storm which menaced France; that, although the Constable was not arrested, and in the present delicate circumstances it would not be prudent to seize him, yet, that when they should have no longer to fear either the credit or the pretensions of the princes of the blood, the Constable would be less formidable, as he would neither have the nobility in his interests nor the

* One fair character!

† How deep a dungeon is the human heart! J. A.

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Huguenots of his party; that to deliberate in the moment of execution, and suspend it in this critical situation of the King, would be to lose the fruit of so many projects conducted to their end with so much artifice and patience, that even the death of the King ought not to be an obstacle, because that brothers succeeding him of right, the same reasons and the same interests still subsisted both for them and their mother. The Queen who had known how to preserve herself neuter, at least in appearance, and who had no motives so urgent to precipitate measures, considered that under a minority, things might change their aspect, and that the excessive grandeur of the Guises, remaining without opposition, might become to her as formidable as the ambition of the princes of the blood. Thus, sometimes by supposing the distemper of the King to be less dangerous, sometimes by spreading favorable reports of a speedy cure, she gained time, delayed the execution of the Prince, and reserved the liberty of acting according to circumstances, conformably to those views, in which she was confirmed by the counsels of the Chancellor de l'Hôpital. As soon as she had known that the King's life was in danger, she requested the son of the Duke de Montpensier to conduct her secretly one night into the apartment of the King of Navarre, and in a long conversation which she had with him, she endeavored, with her ordinary dissimulation, to persuade him that she was very far from approving all that had passed, and wished to act in concert with him, to oppose the ambition of the Guises. The Prince depended little on the sincerity of these protestations. They had, however, an effect in the sequel. On the fifth of December the King died.

"Charles IX., second son of the Queen, succeeded to Francis II., his brother. He was but eleven years of age, and must have a tutor, and the kingdom a regent."

XXIII.

Utrumque regem, sua multitudo consalutaverat.

Each party expected its own regent. "The ancient usage and laws often confirmed by the States, called of right to the function the King of Navarre." But what a reverse! "What an appearance? To confide the person of the young King and

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the government of the kingdom to a prince suspected of a conspiracy against the state, detained as a prisoner, and the accomplice of a brother condemned to death!

"The Guises had governed with supreme authority under the late King, and attempted the most violent measures. By committing to them the same power, it was easy to follow the same plan and execute the same designs. But they were not of the royal blood. How commit to them the tutorage of a young king, contrary to all the laws of the monarchy? What envy, what jealousy, what oppositions would they not have to contend with from the nobility and the grandees, who would be discontented with their power, and aspire to despoil them of it!

"The states had sometimes confided the regency to the mothers of kings, during their minority, and in the present competition of so many interests and contending factions, it was not prudent to place in other hands the life of the King and the conservation of the state. But a woman, a stranger, without partisans and without support, could she maintain her ground against two such powerful factions, ready to support their pretensions by the force of arms? The Guises, foreseeing what might easily happen, leagued themselves with the Cardinal de Tournon, the Duke de Nemours, the Marshals de Brissac and Saint-André, Sipierre, Governor of Orleans, and many other great lords, with whose influence they reinforced their party to defend their lives and preserve their power. The King of Navarre, conceiving happier hopes for the future, united, more strictly than ever, with the Châtillons, the Admiral and Cardinal, the Prince de Porcien, Jarnac, and many others of their partisans. He secretly armed his friends, and despatched courier after courier to the Constable. The two parties having thus placed themselves in a posture of defence, the whole court and the troops divided themselves among them, and even the deputies of the states took their party, each one following his passions, his interests, or his principles."

Never did the necessity of a third mediating power or an umpire appear more plainly than in this case. Had there been a constitution in France, and had that constitution provided, as it ought to have done, a third party, whose interest and duty it should have been to do justice to the other two, and every individual of each, there would have been little danger to the peace,

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liberty, or happiness of the people. For such an intermediate authority, by doing justice to all sides, would have been joined and supported by the honest and virtuous of all sides, and by this means would have controlled both parties by the laws. But in this instance "it seemed impossible to form a third party. Agitation and terror reigned everywhere. It was dreaded every moment that the friends of the King of Navarre and those of the Guises would come to blows. All their measures and devices tended mutually to destroy each other." Nature itself, however, without much aid from any constitution, produced an effect. "Although this unbridled ardor of ruling, inflamed as it was by private animosities, hindered not the two parties from rendering publicly their obedience to the King, this submission had no other principle than a jealousy and mutual apprehension that the one party would snatch from the other the first place in the government. This motive only, and not any respect for a constitution, had made both parties eager to appear to be the first to do homage to Charles IX., and on the day of the death of his brother, he was unanimously recognized as lawful sovereign. This step tended insensibly to reëstablish order and authority. The Queen mother saw that it would not be safe to trust the life of her young children nor the administration of the state to either of the parties, one of which was extremely irritated and embittered, and the other full of assurance and haughty pretensions, both well supported and ready to proceed to the last extremities. She desired to continue mistress of her children and of the government of the state. She proposed to this end to remain as a mediatrix; and thought that the two parties, unable to agree among themselves, and neither being able to triumph over the other, they would both unite in her favor, and abandon to her, by concert, an authority which the opposition of their competitors would hinder them from obtaining for themselves."

We see in this instance that the triple balance is so established by Providence in the constitution of nature, that order without it can never be brought out of anarchy and confusion. The laws, therefore, should establish this equilibrium as the dictate of nature and the ordinance of Providence.

"Catherine hoped, that by conducting herself with ability, the reins of the state would return to her hands. She first thought of making sure of the Princes of Lorraine. A negotiation so

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delicate and thorny, ought not to be confided to any but the ablest hands. The Queen, after having cast her eyes on several persons, fixed them at last on the Marshal de Saint-André, as the man of the court the most proper to assure her success. She sent for him, and after several discourses, the result was, that it would be impossible to terminate the differences of the two parties without tumult and war, but by relaxing somewhat of their pretensions, by ceding a part on both sides, and making the Queen the arbitratrix of their interest. That by this plan the two parties, without yielding one to the other, would appear, from respect, and for the peace of the public, to give way to the mother of their King, who should hold the equilibrium between the Guises and the Bourbons.

"The Queen was a politician refined enough to pretend that she was indebted for this counsel to the prudence of the Marshal, rather than that she had suggested it to him, which was the fact. The Marshal, judging without passion, that this project would be very convenient to the slippery and perilous situation in which the Guises stood, undertook to negotiate with their party. Upon the proposition which he made of it to the Duke and Cardinal, and which they brought into deliberation in an assembly of their confidants, the opinions of these, and even of the two brothers, were divided. The Duke, who had more caution and moderation than his brother, yielded to the accommodation which was to leave him in possession of the governments and riches which he held from the liberality of the late kings. But the Cardinal, more ambitious and more violent, rejected all compromises, and pretended that they would preserve their power in the same degree as they had exercised it under Francis II. The sentiment of the Duke was approved by the Cardinal de Tournon, the Marshals Brissac and Saint-André, and, above all, by Sipierre, the advice of all which personages had a weight, which accompanies a high reputation for prudence, justly acquired. All judged it sufficient for the Guises to preserve their credit and honors, and preserve themselves for circumstances more favorable; and the result they communicated to the Queen, by Saint-André, and left to her the choice of means the most proper to treat with the King of Navarre.

"There remained still a greater obstacle to be overcome, — it was to appease the faction of the discontented princes, an

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enterprise which many thought impossible and chimerical; but the Queen, who perfectly knew the characters and dispositions of the persons with whom she had to treat, did not despair of obtaining her end. The King of Navarre had for his principal confidants Descars, and Lenoncourt, Bishop of Auxerre. Descars had a contracted genius and little experience; Lenoncourt was a crafty politician, but solely intent upon his own fortune. The Queen secretly gained both, by approaching each on his weak side. She dazzled Descars with presents, and amused him with specious reasonings. And she excited in the Bishop of Auxerre hopes of ecclesiastical benefices and dignities, which he could not easily obtain by the sole credit of the King of Navarre. They both promised, under the pretext of giving faithful and sincere counsel to their master, to favor the negotiations which tended to bring the two parties together, and commit the regency to the Queen mother.

"The Duchess of Montpensier carried the first proposals of accommodation. Her candor and frankness had gained the confidence of the Queen. In the progress of things, Carrouges and Lansac, lords of consummate prudence, entered insensibly into this negotiation. By means of these persons, the Queen proposed to the King of Navarre three conditions. 1. To set at liberty all who had been arrested for the conspiracy of Amboise, the Prince of Condé, Madame de Roye, and the Vidâme de Chartres; and to annul, by the Parliament of Paris, the sentence against the Prince. 2. To create the King of Navarre lieutenant-general of the kingdom, on condition that the Queen had the title and authority of regent. 3. To obtain of the King of Spain the restitution of Navarre. The confidential friends of the King of Navarre exaggerated to him these advantages; they represented to him that the name of regent, a title without reality, was but an empty and specious sound, for which he would be abundantly recompensed by the power and authority which would be given him over the provinces; prerogatives, in which consisted the effective government of the kingdom. That the glory of delivering the Prince of Condé, by the humiliation of his enemies, joined to the hope of reëstablishing forever his house in its original splendor, left him no room to hesitate. 'It is not a time,' said they, 'to contend with rigor against enemies so powerful. You have to combat the preju-

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dices which your enterprises against the state have excited. Why, upon the brink of a precipice, do you indulge chimerical hopes? *The deputies of the States are almost all devoted to the Queen and the Guises, who have chosen them at their pleasure and gained them to their interests.* If the affair is left to their decision, it is to be feared that their partiality will incline them to exclude the princes from the government, and commit it to the Guises, which would infallibly accomplish the final ruin of the House of Bourbon.'

"These reasons shook the resolution of the King of Navarre, and disposed him to follow these counsels; but he was still restrained by the Prince of Condé, whose keen resentment and desire of vengeance, rather than solid reasons, excited to advise the contrary. The Duke de Montpensier and the Prince de la Roche-sur-Yon supported those who negotiated an accommodation. Both were of the House of Bourbon, but of a branch more distant from the royal stock, and had not meddled in these troubles.

"The King of Navarre, before he concluded with the Queen, demanded of her, by the immediate negotiators, two new conditions:—1. That they should take away from the Guises all the employments they had at court. 2. That liberty of conscience should be given to the Huguenots. From the time that Calvin had begun to preach and to write, the first seeds of his doctrines had been sown in the court of Henry, King of Navarre, and Margaret of Valois, his consort, father and mother of the Queen Jane; and, as the minds of these princes were indisposed to the see of Rome, which had stripped them of their states, under pretext of an excommunication fulminated by the Pope, Julius II., against France and its allies, in the number of whom was the King of Navarre, they were easily persuaded of a doctrine contrary to the authority of the Pope,* and which taught that the censures by which they had lost their states were null. The Calvinistic ministers, frequenting the court of these princes, there taught their opinions, which had cast so deep roots into the mind of Queen Jane, that she had abandoned the Catholic faith to embrace Calvinism. Since her marriage with Antony of Bourbon, she persisted in the same sentiments. She had nearly

* How artfully Davila insinuates, that the Protestantism of the House was produced by the fulmination of the Pope against France and its allies! J. A.

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converted her husband by the vehement eloquence of Theodore Beza, Peter Martyr Vermilly, and other ministers, who retired into Béarn, there to preach their opinions in full liberty. The Prince of Condé, the Admiral, and the other chiefs of the party of the princes of the blood, having also embraced Calvinism, some with sincerity, and others to disguise their political views under the pretext of religion, the King of Navarre persisted more constantly than ever to declare himself the protector of the Huguenots. For this reason, he demanded that they should grant to the Calvinists liberty of conscience, as an essential condition of the treaty opened with the Queen. This Princess answered, that to deprive the Guises of the dignities they held at court would be to go directly against the agreement which was in negotiation, and the resolution taken to restore the tranquillity of the kingdom. That these lords, who were very powerful, and actually armed, would not endure an affront so public and outrageous; but that, supported by the Catholics and the majority of the States, they would exert all their forces and efforts to maintain their ground. She promised, however, to employ, in due time, all her address to diminish their credit and power. As to the liberty of conscience, she convinced him that it was a point too delicate to be granted all at once. That the parliaments, and even the states, would not fail to oppose it. But she promised, in secret, that in governing with the King of Navarre, she would labor in concert with him, by indirect and concealed ways, to seize all favorable occasions to grant to the reformed all the liberty of conscience that might be possible. The Queen, yielding to the necessity of the conjuncture, gave these promises without any intention to observe them. She therefore delayed the execution of them with all her address. In fact she knew, or at least believed, that nothing was more contrary to the grandeur and interest of her children, than totally to depress the Guises, who served admirably well the purpose of balancing the power of the princes of the blood. On the other hand, the liberty of conscience granted to the Huguenots would have offended the see of Rome, and the other Catholic princes, and scattered forever, as she pretended, disorder and dissension in the kingdom.

"The coalition was on the point of conclusion, when the King of Navarre declared that he would determine nothing

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without the advice and consent of the Constable, who" had cured all his gouts, fluxions, and rheums, or, in other words, dismissed his pretexts, and "approached Orleans. It was therefore necessary to invent new projects to surmount this obstacle, which many imagined the most difficult of all. The Queen knew to the bottom the character of the Constable, and that nothing flattered him more than the part of umpire or moderator in every thing that passed around him. She thought that, by restoring to him the supreme command of the army, and by assuring him that it was from him that she wished to hold her own grandeur and the safety of her children, she would fix him easily in her own interest, and detach him equally from both parties. Thus, with the advice of the King of Navarre and the Guises, who were returning to pacific sentiments, and seemed to submit all to her will, she ordered the captains of the guards and the Governor of Orleans to surrender to the Constable, at his entrance into the city, the command of the armies, and to acknowledge him for their chief. These marks of honor awakened in the breast of Anne of Montmorenci the ancient sentiments of devotion and fidelity, which had attached him so many years to the father and grandfather of the King. Arrived at Orleans, he turned to the captains and said, with his ordinary dignity, that, since the King had restored him his command, they might dispense with guarding his majesty so exactly in full peace; and that, without employing the force of arms, he would make his master respected through the whole kingdom and by all his subjects. Arrived at the palace, where the Queen loaded him with honors, he rendered his homage to the young King, and, with tears in his eyes, conjured him to fear nothing from the present troubles, for that he and all good Frenchmen were ready to sacrifice their lives for the support of his crown.

"The Queen, encouraged by this discourse, the first proof of the success of her contrivances, entered without delay into secret conferences with the Constable, before others had time to entertain and to gain him. She protested that she expected every thing from him, both for her children and herself; *that the royal authority and the public good were no longer any thing but idle names for two factions embittered against each other to their mutual destruction;* that she despaired of preserving to her children under age a crown envied and attacked by such powerful enemies, unless

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his fidelity, of which he had so long given such shining proofs, should cause him to embrace the defence of the young monarch, of a kingdom torn with divisions, and of all the royal family. These words, in the mouth of a woman, a mother, a queen, in affliction, made so deep an impression on the mind of the Constable, that he consented to the accommodation ready to be concluded with the King of Navarre. Flattered with the humiliation of the Guises, and reëstablished in the functions of the first trust in the kingdom, he renounced all interests of faction, and resolved to unite with the Queen for the preservation of the state, in which he aspired only to reassume the place which he had merited by his long services.

"Concord being thus established by the authority of the Constable, they assembled the Council. All the princes and officers of the crown assisted at it; and the Chancellor having, according to custom, made the propositions in presence of the King, they concluded unanimously that the Queen should be declared regent of the kingdom; the King of Navarre, lieutenant-general in the provinces; the Constable, generalissimo of the armies; the Duke of Guise, grand master of the King's household; and the Cardinal de Lorraine, superintendent of the finances.

"The Prince of Condé was now discharged from prison; and an *arrêt* of the Parliament of Paris, conceived in honorable terms, discharged him from all the accusations against him; and the sentence was declared null and irregular, as the work of judges incompetent in the cause of the princes of the blood. The Vidâme de Chartres died of chagrin in the Bastile before the coalition was finished. Thus ended the year 1560.

"In the beginning of the year 1561, the Queen mother and the King of Navarre dismissed the States-General, lest the Guises should excite some fermentation there." The formation of a constitution, and the settlement of religion, were never the real objects for which they had been called. It appears not that they were even asked to ratify the regency in the Queen mother. So loose and uncertain was the sovereignty of that great nation, that a confused agreement of the chiefs of the two factions was thought sufficient for its government, without any forms or legal solemnities. The stability of the government, and the security of the lives, liberties, and properties of the people were proportionate to such a system. The court was still agitated with divisions and dissensions.

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"The Guises, who had obtained but a small part of their pretensions, — that is to say, much in appearance, and little in reality, — accustomed to rule, and very discontented with the government and with the Queen, who failed to perform the promises she had made to them, watched all opportunities to regain their first advantages. The Prince of Condé, more irritated than ever, kept in view his ancient projects, and burned with an implacable desire of vengeance. The Colignis were obstinate to protect the Huguenots. The two parties labored to gain the Constable; but he declared that he would remain neuter, and attach himself only to the King and the Queen. He was confirmed in this resolution by the conduct of the King of Navarre, who, satisfied with the present arrangement, lived in good intelligence with the regent, and thought of nothing but peace. The Admiral, his brothers, and the Prince of Condé, flattered themselves that the connection of blood would draw the Constable ultimately to their party. The Guises, who knew his attachment to the Catholic faith, and his aversion to Calvinism, which he had cruelly persecuted under Henry II., despaired not to gain him under the pretext of defending religion and exterminating the Huguenots. The zeal of the King of Navarre, in urging the Queen to accomplish the promises she had made him in favor of the Huguenots, contributed not a little to keep up this fermentation. This Princess, satisfied with having established a kind of equilibrium, which secured her power and that of her children, dreaded to interrupt it, and avoided all occasions of displeasing the King of Navarre.

"She made use of delays and pretexts, in hopes that the King would relax; but that prince, excited and transported beyond the bounds of his character, by the continued instigations of his brother and the Admiral, and by the urgent solicitations of the Queen, his consort, became the more ardent in demanding what had been promised him. The Chancellor de l'Hôpital, whether he judged a liberty of conscience necessary to the good of the state, or whether he had an inclination to Calvinism, favored, underhand, the solicitations of the King of Navarre. He restrained with all his authority the severity of the other magistrates, and exhorted the Queen to be sparing of blood, to leave consciences in tranquillity, and to avoid every thing which might interrupt a peace which had cost so much pains to esta-

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blish. Several of those who composed the council, supported these instances of the King of Navarre, and protested that they ought to be weary of imbruing their hands in the blood of Frenchmen; and that it was time to put an end to punishments, the fear of which forced so many good subjects to abandon their houses, families, and country. The Huguenots themselves, among whom were many persons of sense and merit, neglected no cares nor means proper to favor their cause; and sometimes by writing composed with art, and skilfully propagated, sometimes by petitions presented in proper seasons, and sometimes by persuasive discourses of their partisans, endeavored to impress the great in their favor, by pathetic paintings of the misfortunes with which they were oppressed. The Queen was, at length, obliged to give way to the sentiments and authority of so many persons. Perhaps she was convinced of the wisdom of relaxing a severity which she was in no condition to maintain, and of abandoning laws which they could no longer execute with rigor. She consented, therefore, to an ediot, rendered by the council on the twenty-eighth of January. This edict enjoined all magistrates to release all the prisoners arrested on account of religion; to stop all prosecutions commenced for this cause; to hinder disputes upon matters of faith; forbidding individuals to give each other the odious appellations of heretics or papists; finally, to prevent unlawful assemblies, commotions, seditions, and maintain concord and peace in all their departments. Thus, with the design of putting an end to punishments and the effusion of blood, a motive dictated by religion and humanity, Calvinism was, if not permitted, at least tolerated and indirectly authorized.

"More lively contestations were expected concerning the promise which respected the Guises. The King of Navarre, recalling to the Queen the secret promises which she had made to him, pretended, that in his quality of lieutenant-general of the kingdom, they ought to deliver to him the keys of the palace* which the Duke of Guise kept, as grand master of the King's household.

"The Queen, in truth, no longer doubted the attachment of the King of Navarre and of the Constable; but she was not

* The keys of the palace. One spark. J. A.

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ignorant of the increasing coldness of the Guises, and delayed with all her artifice the moment of offending them. She wished, on one hand, to manage the Huguenots, protected by the Admiral and the Prince of Condé; and, on the other, the Catholics, united under the Duke of Guise and the Cardinal of Lorraine. These two factions were like two powerful dikes, under the shelter of which she enjoyed a calm. By weakening the Catholics, she was afraid of putting the Huguenots in a condition to give her the law. Sometimes by temporizing, therefore, and sometimes by granting other favors to the King of Navarre, she endeavored to divert him from this pretension. But the more she endeavored to make him lose sight of this object, the more the Prince pursued it with warmth.

"Finally, the Queen, that she might not destroy the harmony she had taken so much pains to establish, commanded the captains of the guards no longer to carry the keys of the palace to the grand master of the King's household, but to the Lieutenant-General of the kingdom, to whom this prerogative belonged of right. This proceeding irritated the Duke of Guise, but infinitely more the Cardinal of Lorraine, his brother; less, because they considered it as an affront, from which the regulation of the council of regency should have screened them, than because they saw clearly, that with the consent of the Queen, the King of Navarre aspired to depress and destroy them. They knew very well that they were accused of listening to nothing but their interest and ambition; and, seeing themselves no longer able to prevail in this private quarrel with the princes of the blood, who disposed of all the forces, as well as of the royal authority, they dissembled their resentments, and complained of nothing but the liberty of conscience which had been tacitly granted to the Huguenots, covering thus with the specious veil and the pretext of religion their passions and personal interests. Thus the discords of the great confounded themselves insensibly with the differences of religion; and, the factions of the princes, quitting the name of malcontents and Guisards to assume the more imposing titles of Catholics and Huguenots, they exerted themselves with the greater fury, as they disguised it under the names of zeal and of piety.

"The Regent and the Constable, masters of the person and authority of the King, held the balance in the middle. The

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Constable was indeed much opposed to Calvinism and attached to the Catholic religion; nevertheless, his affection for his nephews and the love of peace induced him to consent to make use of management in matters of religion until the King should arrive at his majority. But to corroborate more and more the authority of the young monarch, though a minor, those who held the reins of government thought proper to conduct him to Rheims, where they preserve with veneration *the vial which a pigeon brought down from heaven full of holy oil, with which* Clovis *was anointed and consecrated.*

"During the ceremony of consecration, there arose a new contest concerning precedency between the princes of the blood and the Duke of Guise. The former pretended that it was due to their birth. The Duke on his side demanded it as first peer of France. The council of state decided it in favor of the Duke of Guise, because the presence of the peers of France, who are twelve in number, six ecclesiastical and six laical, was necessary in this ceremony; whereas, the princes of the blood, who have no function to discharge in it, may dispense with their attendance.* This light spark served to enkindle and embitter more and more the spirits of all parties. The Admiral and the Prince of Condé had set every machine in motion to draw in the Constable to their interest. They were powerfully seconded by the Marshal of Montmorenci, his eldest son, who was strictly connected with them. The Constable, always firm in his resolutions, could not determine to dishonor his old age by placing himself at the head of a party, nor by leaguing himself with those whom he thought the new enemies of religion. The Admiral, always fruitful in resources and expedients, imagined one at this time, calculated to bring the Constable into their views by ways more indirect. There was then held at Pontoise, an assembly of some deputies of the provinces, to deliberate upon the means of acquitting the immense debts which the crown had contracted in the last wars. The Marshal of Montmorenci presided in it. There were also some friends of the Admiral. He made use of them to bring upon the carpet whatever he thought proper. The Colignis and the Prince of Condé there demanded, by the organ of their confidants, that they

* Precedence. Another spark. J. A.

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should oblige all those who had received benefits or gratifications from the Kings Francis I. and Henry II. to return them to the royal treasury,* pretending that a calculation being made, without imposing new burdens, they might extinguish the greatest part of the debt which, both within and without the kingdom, crushed the state and individuals.

Those who had received the greatest benefactions from the late kings were the Guises, Diana of Valentinois, the Marshal Saint-André, and the Constable. They were desirous indeed of humbling the former. But as to the last, they meant only to inspire him with fears and jealousies, and to force him to join the party of the princes, that he might not expose himself to lose the fruit of so many years of services and toils. The animosity of faction was so lively, that the Colignis were not afraid to excite in their uncle those chagrins and inquietudes. But this step had the ordinary fortune of designs too subtle and too refined. It produced an effect directly contrary to that which was intended. The proposition amounted to nothing less than to take away from the Constable and the Guises the greatest part of their property. Diana of Valentinois, with whom both parties had formed alliances, began to second the Constable, concerning this research, which interested them equally. She concerted her plan with art, or a kind of prudence which is not uncommon in women of her character; her aversion for the Queen, and her fears of losing all the gains of her trade, made her think that the true means of her safety would be to allure the Constable into the party of the Catholic religion and a closer connection with the Guises. She launched out into invectives against the Admiral and the Prince of Condé, whom she considered as the authors of the proposition made at the assembly at Pontoise; she deplored the miseries of the state, whose government, in the hands of a child and a foreign woman, was the instrument of pernicious councils, to foment the ambition and gratify the passions of certain individuals, to whom were sacrificed the safety and tranquillity of the kingdom; into which they introduced, without shame, heresies condemned by the church, and against which the late kings, with just severity, had employed fire and sword. She added, with the same viva-

* A flame. A hornet's nest disturbed. J. A.

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city and sincerity, that all France was astonished and enraged to see that a Montmorenci, whose house had been the first of the whole nation to embrace Christianity; that a man, who for so long a time had filled the first office in the state, should at present allow himself to be fascinated by the artifices of a woman; and that, a slave to her caprices and to the imperfect information of the King of Navarre, he consented to all their enterprises against religion.* She remonstrated with the Constable, that having the arms and the power in his hands, he was indispensably obliged to oppose the pernicious designs of government, and to watch still, as he had done so many times before, over the conservation of a tottering throne and a religion wholly forsaken. She recalled to his recollection that ancient conduct which had procured him so much glory, in opposing the aggrandizement of strangers. She conjured him not to suffer two women, one an Italian, the other of Navarre, to ruin the principal foundations of the French monarchy, that is to say, religion and piety; to remember that the regent was the same Catherine whose conduct he had always censured and whose character he detested; that the Huguenots were those same sectaries whom he had so eagerly persecuted under Henry II.; that neither the persons nor the nature of things were changed; that the whole world would believe, that enfeebled by age, he let himself be guided either by the ambition or caprice of others, since he appeared so different from what he had been."

Such was the language of Diana; and who so proper as a harlot to prostitute religion to the purposes of ambition, avarice, and faction? The only wonder is, that these discourses of the Duchess, which she took care frequently to repeat, began to make an impression on the Constable.

"Sometimes an indignation against his nephews, sometimes the apprehensions of losing his fortune, and sometimes his hatred against Calvinism, so disposed him to listen to the Duchess, that at length her insinuations, together with those of Magdalen of Savoy, his wife, succeeded to detach him from the party of the Queen. This Magdalen saw with vexation the unbounded favors granted to the Colignis, which she wished might be con-

* A harlot preaches popery. Not the first, neither the last. J. A. 1813.

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ferred on her brother Honoré of Savoy, Marquis of Villars. Thus her jealousy neglected nothing to serve the latter and to hurt the nephews of her husband. Diana also engaged the Marshal de Saint-André to second her in this negotiation. The fear of losing his fortune, the violent hatred which he conceived against the Colignis, and the plausible pretext of preserving the Catholic faith, urged him to employ his influence with the Constable in favor of the Guises; who, as soon as they were informed of it, omitted neither artifices, submissions, nor intrigues to complete the conquest; hoping by this means to reëstablish their power, or at least to recover a great part of it. The Marshal of Montmorenci was the only one who could cross this negotiation. But Diana, his wife, having fallen sick at Chantilly, he was obliged to leave his father to attend her. The Guises, disembarrassed of this obstacle, put the last hand to their agreement with the Constable for the preservation of the Catholic religion and the mutual defence of their fortunes.

"The Queen, informed of this union, thought herself deprived of her firmest support, and dreaded that the Princes of Lorraine, supported by the credit of the Constable and discontented with her, might attempt to take from her the regency. She thought it necessary, therefore, to connect herself more strictly with the King of Navarre to counterbalance this new party. She directed all her cares to maintain that equilibrium which assured her power and that of her son. She entered into all the views of the King of Navarre, in favor of the Huguenots. Under the pretext of maintaining peace during the minority of the King, and of conciliating the hearts of the people by a reputation of clemency, she published new declarations which enjoined upon all the parliaments and all the other magistrates of each province to molest no man on account of religion; to restore the goods, houses, and possessions to all those, who, in times past, had been deprived of them on suspicion of heresy. The Parliament of Paris and some other magistrates refused to comply. But the Huguenots, thinking themselves authorized by the will and orders of the King, of the regent, and the dispositions of the council, assumed to themselves, as they had a better right to do from God and nature, a liberty of conscience, and their numbers and forces augmented from day to day. This was to fulfil the views of the Queen, if these religionists had known how to

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restrain themselves within the bounds of moderation and reason. But as it commonly happens to people who suffer themselves to be transported by their passions, and will not conform to the restraints of authority, as soon as they felt themselves tolerated, protected, and delivered from the fear of punishment, their resentments of former ill usage arose, they lost the respect due to the magistrates, and sometimes by public assemblies, and sometimes by injurious discourses or other violent proceedings, they drew upon themselves the hatred and indignation of the Catholics. Hence arose obstinate disputes, which, throwing the two parties into quarrels, spread tumult and insurrections through all the provinces of the kingdom. Thus, contrary to the intentions of government and the expectations of the public, the remedy employed to save the state and maintain peace became," at least, as our historian represents, "contagious and prejudicial; and occasioned precisely those troubles and dangers which they sought so carefully to prevent."

The Guises, we may be sure, were not at all mortified at this turn of affairs. It was precisely what they wished. "Encouraged and fortified by their union with the Constable, they seized this occasion to oppose the Queen and the King of Navarre. The Cardinal of Lorraine, finding the moment favorable to explain himself in council, without regard to the Queen or the King of Navarre, who were present, began to speak on the state of religion, and to represent, with all the vehemence of his character, that it was to betray religion, and to dishonor themselves in the eyes of the whole earth, to grant, in a most Christian kingdom, liberty of conscience to innovators already condemned by councils and the voice of the church. That, not satisfied with disseminating monstrous opinions, with corrupting the rising generation, and imposing on the simplicity of the weak, they blow up the fire of rebellion in all the provinces of the kingdom. That already the insolence and outrages of these heretics hindered the ministers of the church from celebrating mass, and from appearing in their pulpits, and left to the magistrates scarce a shadow of authority; that every thing was a prey to the sword and flames, by the imprudence and obstinacy of those who arrogated to themselves the license of believing and teaching at their pleasure; that the first kingdom of Christendom was upon the point of making a schism, of shaking off

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the yoke of obedience due to the holy see, and of abandoning the Catholic faith, to satisfy the caprice of a handful of seditious men. The Cardinal enforced these arguments with so much energy, with that confidence and natural eloquence which gave him such an ascendency, even in the most problematical opinions, that the protectors of the Huguenots opposed nothing to him but silence. The King of Navarre and the Queen replied not a word; and even the Chancellor appeared amazed and confounded. The counsellors of state, irritated against the Huguenots, were of opinion that they should assemble immediately all the princes and officers of the crown to the Parliament of Paris, there to treat on this subject, in the presence of the King, and determine the means of curing these disorders. This assembly was accordingly held on the thirteenth of July, 1561, in parliament. The King of Navarre dared not alone to make opposition openly; this would have been to declare himself a Calvinist. The Queen, indeed, desired that the Catholic party should not prevail; but she was not the less apprehensive that they would impute to her the establishment and progress of heresy. The contests in parliament were, however, animated. The partisans of the Huguenots forgot nothing that would procure them liberty of conscience, as the only means proper to appease all troubles and heal all divisions. Their efforts were useless." There was some reason for saying, that liberty of conscience was "evidently opposed to the spirit and authority of the Catholic Church;" but none at all for pretending that "it was contrary to the fundamental laws of the kingdom."

"It was decided that the Calvinistical preachers and ministers should be driven out of the kingdom; and that they should conform in the public worship wholly to the customs and ceremonies authorized by the Roman Church. All assemblies, of every kind and in every place, with arms or without, except in the Catholic churches, there to hear divine service, according to their usages, were forbidden. To grant, however, some mitigation to the Huguenots, they added, in the same edict, that the cognizance of the crime of heresy should be reserved to bishops and their grand vicars; and if they had recourse to the secular arm, they could not condemn the guilty but to banishment; finally, they gave a general amnesty for all disorders committed in times past on account of religion. A declaration, accordingly,

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was drawn, signed by the King, the Queen, and all the princes and lords of both parties.

"The Prince of Condé and the Admiral, irritated to see a party suppressed, upon whose number and forces they had founded all their hopes, and unable to hinder the execution of the edict, which all the parliaments and most of the inferior tribunals pressed into execution with great ardor, imagined another expedient;—it was, to engage the ministers of the Huguenots to demand a public conference, in presence of the King, with the Catholic prelates, upon the controverted points. This indirect method appeared to them proper to obtain insensibly a liberty of conscience. The Cardinal de Tournon and several other Catholic prelates opposed this request. They remonstrated, that it was useless to dispute about religion with a people who were very obstinate, and who persisted in a doctrine condemned by the church. That if they wished to lay open their reasons, they might address themselves to the Council of Trent. The opinion of the Cardinal of Lorraine was in favor of the conference; whether he flattered himself that he should confound the Huguenots by his irresistible reasoning, and convince those whom he thought seduced; or whether, as those who envied him gave out, by making an ostentatious exhibition of his eloquence and erudition, he wished still further to increase his reputation and glory in so celebrated an assembly. Whatever were his intentions, it is certain that, by not opposing the demand of the Protestants, he drew into his sentiment the other prelates, who yielded to the solicitations of the King of Navarre. This Prince, who had long desired to hear a dispute in form between the Catholics and Huguenots, to clear up his own doubts, supported with warmth the demand of the Protestants. They sent, therefore, safe conducts to the ministers, refugees at Geneva, and assigned for the place of conference, Poissy, a little town five leagues from Paris.

"The King appeared at Poissy with all his court, accompanied by the Cardinals of Bourbon, of Lorraine, of Tournon, of Armagnac, and of Guise, who were to assist at the conference on the part of the Catholics. The most distinguished bishops and prelates, several doctors of the Sorbonne, and other theologians of the most celebrated universities of the kingdom, were present. There appeared, on the side of the Huguenots, Theodore

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Beza, Peter Martyr Vermilly, Francis de Saint Paul, John Raymond, John Viret, with several others, who came from Geneva or Germany. Beza explained his doctrines with great pomp of eloquence; and the Cardinal of Lorraine answered him with what he called proofs and authorities drawn from the Scriptures and the fathers of the church. The council judged proper to withdraw the young King, because the tenderness of his age, not permitting him to discern the truth, there was reason to fear that he might be surprised by some dangerous opinion, contrary to the faith. After several debates, the assembly separated without deciding any thing.

"The Catholics gained only one advantage. The King of Navarre was not satisfied with the Huguenots, having observed some variations of their ministers in the doctrines which they maintained. Some followed literally the sentiments of Calvin; others inclined to the doctrine of Luther; these adhered to the profession of faith of the Swiss; those to the Confession of Augsburg. Shocked with this inconsistency, as he thought it, this weak Prince began to be disgusted with the new opinions, and to attach himself to the Catholic religion. But the Huguenots drew from this conference all the fruit that they had promised themselves. As soon as they came out of it, they boasted loudly that they had demonstrated the truth of their belief, convinced the Catholic doctors, confounded the Cardinal of Lorraine, and obtained of the King permission to preach their doctrine. In fact, of their own private authority, they began to assemble wherever they pleased, to hold publicly their sermons, with so great an affluence of people, and so great a concourse of nobility as well as others, that it was no longer possible to restrain them.

"When the magistrates attempted to hinder their assemblies, or the Catholics attempted to drive them from the churches where they met, the Huguenots ran to arms and defended themselves. The two parties attacked each other with fury, under the names of Huguenots and Papists. The whole kingdom was in a flame. The power of the magistrates lost its energy; the people were in continual terror and alarms; the collection of the revenues was interrupted; and, in the bosom of peace, an intestine and cruel war was seen to be enkindled. The Queen mother and the King of Navarre, moved with these excesses,

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seeing that the severity of the edict of July had only increased the disorders, convoked another assembly of deputies from all the parliaments of the kingdom, to be informed by them of the state of each province, and to deliberate upon the most proper means of reëstablishing tranquillity. *The views of the ministry changing continually, as the interests of ministers and the passions of the great varied, it was not astonishing that, after so many measures taken, abandoned, reassumed, affairs should still remain in greater disorder, and a more strange confusion.* It was, indeed, impossible that such frequent variations should restore good order, which an equal and uniform conduct could alone maintain.

"This assembly was holden at Paris, in the beginning of the year 1562. The Queen, according to her ordinary maxims, employed herself in holding the balance between the two parties, and to hinder one from prevailing over the other, for fear she should be the victim of the strongest. The greatest part of the magistrates concurred in her views; some, persuaded that it was impossible to restrain so great a multitude animated by a furious zeal for religion; and others, seeing with regret so much blood shed to no good purpose. They prepared that famous edict of January, which granted to the Huguenots the liberty of conscience, and the liberty of holding their assemblies and preaching their sermons, upon condition that they should meet without arms, without the cities, in the fields, and in presence of the judges of the places. The parliaments and other tribunals opposed, at first, the execution of this edict; but it was finally registered, upon repeated letters of *jussion*" (sealed commands, to do a thing which they had refused to do,) "of the King and council. This was a thunderbolt to the chiefs of the Catholic party. To bring on a crisis, to force all the Catholics to join them, and to hinder the execution of the edict, the Duke of Guise, the Constable, all the Cardinals except de Tournon, who was lately dead, the Marshals de Brissac and Saint-André, quitted the court, to oppose themselves with all their forces to the Calvinistical party." So near was liberty of conscience at that time to a complete and final establishment in France, that nothing but this violent measure could have prevented it; even this retreat of all the Catholics would not have succeeded without another artifice. "They sufficiently foresaw

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that, as long as the good intelligence subsisted between the Queen mother and the King of Navarre, they should have no power to intermeddle in the government of the kingdom, and that all their efforts would be in vain; they proposed, therefore, to break it. Convinced that the Queen mother would never change her plan or her conduct, at least until the majority of her son, they thought it would be more easy to gain upon the understanding of the King of Navarre. Their retreat enabled them to conduct with more secrecy this negotiation, which required time and address. D'Est, legate of the Pope, and Manriquez, ambassador of Spain, let into the secret, and intrusted with the conduct of it, easily commenced the conferences by the interposition of the confidants of the King of Navarre. This weak Prince had, or pretended to have, no longer the same inclination for the Huguenots since the colloquy at Poissy, where he had remarked their variations upon the contested points of faith; and not having found in Theodore Beza, nor in Peter Martyr, the same confidence, as he thought, that they affected when they dogmatized without contradictors, he had consulted Doctor Baudouin, equally versed in scriptures and in controversy. This theologian had decided the King of Navarre to reunite himself to the faith of the church, and to adopt neither the Profession of Faith of the Swiss Protestants, nor the Confession of Augsburg. His acquiescence in the edict of January was less from any inclination to the Huguenots, than from an opinion that consciences ought not to be restrained, and that toleration was an infallible means of extinguishing the troubles of the kingdom. As soon as his confidants, already disposed to serve the Catholic party, had informed the Legate and Ambassador that he was in this temper, these last failed not to take advantage of it to open the negotiation. In order to unite to motives of conscience personal advantages and temporal interests, they proposed to him to divorce his Queen Jane, with a dispensation from the Pope, because she was a heretic, and to marry Mary, Queen of Scots, the niece of the Guises, and widow of Francis II., a Princess who united to the charms of youth and beauty the actual possession of a great kingdom. The King of Navarre, attached to his children, rejected firmly this proposition. They then brought upon the carpet once more, the exchange of Sardinia, so often proposed in vain. This was the delicate point, which touched

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him the most sensibly. His hopes, indeed, were not very strong; but this negotiation not having been wholly broken off, Manriquez, the Spanish ambassador, by his ordinary artifice, renewed it with so much apparent seriousness, as to reanimate the desires and the confidence of the King of Navarre. Not content with giving him the strongest assurances of the good dispositions of the Catholic King, he proceeded so far as to treat of the means of exchange, and of the quality of the rents and services which the King of Navarre should render the crown of Spain, as acknowledgments of its sovereignty. They debated these clauses and conditions as seriously as if they were upon the point of signing the treaty. The character of the King of Navarre, and his inclination to embrace always the most honorable and plausible measures, favored the designs of the Catholics.

" This Prince began gravely to acknowledge that the Huguenots disguised their passions and their interests under the veil of Christian charity and the cloak of religion. Moreover, he was made to apprehend that the Admiral with his policy would persuade all France to believe that the King of Navarre blindly followed his counsels. They piqued his jealousy, by representing to him that the Calvinists highly blamed his sloth and indolence, while all their affections and attachments were to the Prince of Condé, whose courage, prompitude, and magnanimity they never ceased to exalt and celebrate. A last consideration of extreme importance touched a nerve of exquisite sensibility. The King of France and his brothers were of feeble and delicate complexions, ill constituted, subject to dangerous distempers, and too young to have children. The succession to the crown regarded him as the first prince of the blood, and to declare himself the head and protector of the Huguenots was to place between the throne and him an impenetrable barrier. To smooth his way the more easily to the throne, he inclined to reunite himself to the Catholic party, to attract the favor of the Pope and the King of Spain, and to attach to himself the forces of the faction which was the best united and the most powerful. He began to distrust the councils of the Queen, his wife, blindly devoted to Calvinism, and naturally an enemy of pacific measures. The magnificent promises and persuasive discourses of the legate and of Manriquez, joined to so many other motives,

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determined him finally to unite himself with the Constable and the Duke of Guise. They declared loudly in words and by writings that they were leagued only for the defence of the Catholic religion; but their views were, in reality, much more vast. The King of Navarre abandoned one party, in which he found himself eclipsed by his brother, to attach himself to another, in which they offered him more brilliant hopes. And the Guises entered into this convention, only to reëstablish their credit and ancient grandeur.

"Such was the union which taught the French the art of forming leagues and combinations without the knowledge of their sovereigns. The Huguenots represented it in the most odious colors, and called it the triumvirate. The Queen Jane conceived a lively resentment of this unexpected resolution of her husband. Full of indignation to see him become the most ardent persecutor of her favorite religion, in which she flattered herself she had confirmed him, she resolved to quit the court, and retired into Béarn with the Prince Henry and the Princess Catherine, her children, whom she instructed in the reformed religion, declining all further society and commerce with her husband. The Queen mother was not less alarmed with a change so sudden and incredible. *The triumvirate destroyed all the projects of an equilibrium which she had founded on the distrusts and animosities which divided the grandees.* She feared as much for the safety of her children as for her own authority. These reciprocal variations, these combinations of interests, totally opposite to each other, announced clearly enough to her understanding, that this union concealed high hopes and vast designs. She knew that the Guises had unravelled her artifices, and that, burning with ambition, they sought every means of reëntering into the ministry. Moreover, what probability was there that the King of Navarre would renounce the friendship of his brother and of his most faithful partisans to unite with his most cruel enemies, if he had not been assured of great advantages in such a change? She was not ignorant of the empire which is held over human hearts, even the most upright, by ambition and the thirst of ruling. Finally, considering every thing which threatened her, she could not dissemble her own weakness nor that of her children. Forced by these reflections to trust no longer either the sincerity of the King of Navarre,

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or the demonstrations made by the Catholics, of having no design of making any innovation in the government, a prey to constant terrors, alarms, and suspicions, nothing was capable of calming her inquietude. She passed often whole nights in conference with her confidants, and among others with the Bishop of Valence and the Chancellor de l'Hôpital. Their counsels, and above all the critical position in which she stood, determined her to form a coalition with the Prince of Condé and the Admiral, to favor their designs, and support herself with their forces, in order to counterbalance as much as possible the power of the opposite faction; alleging among other motives, to her Catholic confidants, that God himself permits evil for the sake of good. And since the Huguenots had caused so many disorders, it was but just to make use of them, to cure the distempers which had infected the heart of the state.

"The Huguenots, delivered from the fear of punishment by the publication of the edict of January, had begun to recover courage, and held frequently public assemblies; their party appeared considerable, both by their number and the quality of their members. And their forces were not inconsiderable. The Prince of Condé had openly declared himself their head; he was, in appearance, reconciled with the Guises, in obedience to the orders of the King. But, in his heart, he burnt with an impatient desire to revenge himself against his principal persecutors for the outrages which he had received. The Admiral, who in the view to aggrandize himself as well as his brothers, became more strictly united than ever to the party of the Huguenots, moderated the ardor and vehemence of the Prince by the maturity of his counsels. Under these chiefs, and in the same sentiments, were engaged the Prince of Porcien, the Lords of Genlis, of Grammont, of Duras, the Earls of Rochefoucauld and of Montgomery, the Barons of Ardrets, of Bonchavannes, Soubize, and several other great men of the kingdom. With any, the least authority from government, they were in a condition to resist and oppose boldly the opposite party.

"The Queen, forced, as she thought, to take advantage of a conjuncture so favorable for her own defence and that of her children, and reduced to the necessity of embracing the first party which presented, however dangerous it might be, expected from time and events the unravelling of all this intrigue. She

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feigned to be staggered by the reasonings of the Huguenots, and disposed to embrace their opinions. To confirm them the more in this opinion by exterior demonstrations, she caused their ministers to come into her apartment, and appeared to hear them with pleasure. She manifested great confidence and benevolence to the Admiral and the Prince of Condé, in the frequent conversations she had with them. She deceived the Duchess of Montpensier by her false confidences, and made use of her to allure the principal Huguenots, the better to color the promises and hopes, which she gave in secret, with apparent measures. She wrote even to the Pope in equivocal terms. Sometimes she demanded a free and general council, such as the Calvinists desired. Sometimes, permission to convoke a national council. Another time she solicited the use of the communion in both kinds, a dispensation to priests to marry, the liberty of praying in the vulgar language, and other similar innovations, as the Catholics called them, which the Huguenots wished and introduced. De Lisle, the French ambassador at Rome, seconded her so perfectly, that, by exciting doubts concerning her faith in the minds of the Pope and the Catholics, she obliged them to observe great caution in their own conduct, for fear they should irritate her and disgust her against the Roman religion. By the same artifice, she deceived the penetration, and gained the hearts of the Huguenots, by persuading them that she was wholly disposed in their favor, to such a degree, that the implacable hatred which they once bore her, had given place to confidence and attachment. It was not the people only that she amused by these appearances; the Admiral himself, in spite of all his policy and penetration, had suffered himself to be seduced. He hesitated not to give the Queen a circumstantial account of the number, forces, and designs of the Calvinists, of the correspondences which they maintained, both within and without the kingdom, and of all other particulars which concerned his party, the moment she gave him to understand that she desired to have exact information before she declared herself, assuring him that she would openly embrace that party as soon as it should be sufficiently powerful to place her out of the reach of the vengeance of the Catholics, and the triumvirate composed of the Duke of Guise, the Constable, and the King of Navarre. Thus, by a change equally prompt and

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incredible, the King of Navarre attached himself to the Catholic party, and Queen Catherine, at least in appearance, became favorable to the Huguenots. These variations were at the time attributed to the levity of mind of the King of Navarre and the natural inconstancy of the sex of the Queen. And it is thus that some historians have since judged, who were either not capable, or had not opportunity," like Davila, "to unravel the secret springs of these resolutions."

Is it possible to place an unbalanced government in a light more despicable or more contemptible? Can human nature be more disgraced than by this endless series of unions, separations, coalitions, combinations, and tergiversations? And yet it is most obvious that such a series must forever be the effect of a constitution where there is no legal equilibrium.

XXIV.

"AFFAIRS had now taken a new face. It was easy to foresee that the animosities of the two factions would never be extinguished but by arms; and that the tempest which had long grumbled in the air would soon pour upon their heads. Accident soon produced a favorable conjuncture for precipitating France into the greatest misfortunes. The King of Navarre having declared himself openly for the Catholic party, fixed his residence at Paris. This city, situated in the centre of France, is much more populous, more rich, more magnificent, and more powerful than any other in the kingdom. This Prince, believing that the other cities would easily conform to the example of the capital, forgot nothing to hinder the Huguenots from holding their assemblies and preaching their sermons there; in which the Parisians in general, enemies of the reformation, seconded him with zeal. By this means, he hoped in time insensibly to diminish the credit and the forces of the Protestants, and take away their liberty of conscience, which alone supported their existence. The Prince of Condé resided also at Paris, where he promoted and fomented the designs of the Huguenot ministers. Under the pretext of causing to be observed the edict of January, he extended from day to day the liberty of conscience; and, whether by power or by right, arrogated to himself a great

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authority in what respected the state. The King of Navarre, equally animated against his brother by a love of repose and by jealousy, resolved to compel him to go out of Paris. Several other motives determined him to put an end to troubles and seditions, as well as conventicles, in a city which was the firmest support of the Catholic party; but whether he felt himself too weak to attempt such an enterprise alone, or whether he wished to consult his confederates before he executed any thing, he invited the Duke of Guise and the Constable to come and join him with their partisans.

"The Duke of Guise, since his retirement from court, resided at Joinville, one of his country seats, upon the frontiers of Champagne and Picardie. Upon the invitation of the King of Navarre, he departed for Paris, accompanied by the Cardinal, his brother, a numerous retinue of gentlemen attached to his interests, and two companies of men in arms. The first of March, in the morning, as he passed by Vassi, a little town in Champagne, his people heard an unusual ringing of bells, and, having asked the reason of it, were told that it was the signal of a sermon at which the Huguenots assembled. The valets and footmen of the Duke, who were most in advance on the road, excited by the singularity of the thing, and by curiosity to see one of these assemblies, which were but lately begun to be publicly holden, advanced in a tumult, uttering their coarse jokes, towards the place where the Huguenots were assembled to hear their ministers. The Calvinists, understanding that the Duke of Guise, whom they regarded as one of their most ardent persecutors, was not far off, and seeing a troop of his people coming directly to them, whether they dreaded some insult, or whether they were piqued at the rude railleries and scornful speeches of this servile mob, answered by acts of violence, pelting with stones the first who were advancing towards their congregation."

This is the account of Davila; and at this day it may be of as little consequence to inquire which side began to use force, as to ascertain which party fired the first gun at our Lexington. When a nation is prepared for a civil war, when parties are formed and passions inflamed, which can be extinguished no other way, it is only for the sake of popularity, necessary to inquire which strikes the first blow. But in our American revolution, we know it was the party who were in the habit of domi-

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neering, who began; and such is commonly the case. Most probably De Thou is in the right for the same reason; who asserts that the Duke of Guise's servants threw the first stones; and if this was done without the Duke's orders, it is certain that his mother, a bigoted, furious Catholic, had often entreated him to deliver her from the neighborhood of the Protestants of Vassi; and very probably she had inflamed his whole family against them. However this might be, "the Catholics abandoned all their prudence, and attacked the Protestants, sword in hand, and the skirmish soon became furious. The Duke, informed of the tumult, and wishing to appease it, ran in all haste, and rushed into the midst of the combatants; while he reprimanded his own people, and exhorted the Huguenots to retire, he was slightly wounded by the stroke of a stone upon his left jaw. The blood which he lost, obliged him to retire from the uproar, when his followers, growing outrageous, had recourse to fire-arms, forced the house where the Calvinists had barricaded themselves; killed more than sixty of them; and their minister, dangerously wounded, escaped with great difficulty over the roofs of the neighboring houses. When the commotion was assuaged, the Duke of Guise sent for the judge of the place, and reprimanded him for tolerating such conventicles. The judge excused himself, because these assemblies were permitted by the edict of January. The Duke, as much enraged at this answer as at the disorder which occasioned it, laid his hand on the hilt of his sword, and replied with great fury,—'The edge of this steel shall soon deliver us from the edict which they think so solidly established.' These words, uttered in the ardor of his indignation, did not escape the attention of those who heard them; and in the sequel he was accused of being the *Boute-feu* and the author of the civil wars.

"The Huguenots, irritated by the massacre at Vassi, could no longer contain themselves within the bounds of moderation. Not content with the excesses committed by them in several cities of the kingdom, and especially in Paris, where they had massacred several Catholics, and set fire to the church of St. Medard, they listened only to their own rage, and excited every-where troubles and bloody seditions; monasteries were pillaged, images broken, altars overturned, and churches profaned. These excesses, on both sides, embittered men's minds, and they every-

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where rushed to arms. The chiefs of the two parties, agitated by the same motives, assembled their forces and prepared openly for war. But the leaders of both factions were not ignorant that, in the actual state of things, they could not take arms without rendering themselves guilty of rebellion, and that there was neither pretext nor color which could authorize any measures which tended to war. The Catholics could not interrupt the execution of the edict of January, without controverting openly the decisions of the council, and wounding the royal authority from which this edict had issued. The Huguenots had no reasonable motive to revolt, while they were protected and allowed to enjoy the liberty of conscience granted them by that edict. The leaders of each party desired *to draw the King to their side, and to become masters of his person*, either to abolish the edict, or to derive new advantages from it, in order to prove that their cause was the most just, and that it was the opposite party which erected the standard of revolt, by opposing the apparent will of the sovereign, and by attacking even his person."

XXV.

"THE Queen, perfectly informed of all these projects, and wishing to preserve, with all her power, her own liberty and that of her children, continued to play off her artifices, to balance the power of the grandees, and to prevent the ascendency of one party over the other from drawing after it the ruin of the state. Thus, that she might not be obliged to favor one or the other party, she quitted Paris and retired to Fontainebleau. She thought that in this residence, where she was more at liberty than in Paris, they could not compel her to declare herself; and she still studied to support the confidence which she had earned with both factions, whose chiefs she amused by equivocal discourses and ambiguous promises. The Prince of Condé and Coligni, yielding to the superiority of the Catholic party, had quitted Paris to take arms. The Queen gave them secretly to understand that she was disposed to join them, as soon as she should see them supported by forces sufficient to make head against their enemies. On the other hand, she protested to the King of Navarre, the Constable, and the Duke of Guise, that she

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had no intention to separate herself from the Catholics, nor to consent to the new reform, any further than necessity and the advice of good men should oblige her to grant to the Huguenots a moderate liberty.

"Her letters were not less ambiguous than her words; and she did not explain herself more clearly abroad than at home. She continually gave new instructions to the ambassadors in foreign courts, and especially to Delisle, who resided at Rome. Sometimes she contracted, and at other times she extended their powers; and by these variations held all minds in suspense. But this conduct began to be more difficult than ever. The chiefs of the two parties were not less politicians than herself. During the course of her regency, they had found opportunities to unravel all her artifices and penetrate all her disguises. The King advanced in age; and that circumstance was to them a necessity to hasten the execution of their designs. His minority might give to certain measures a color which would no longer exist when he would be of age; when all ought to depend upon his will, to which they could no longer oppose themselves without the guilt of rebellion. At the present moment they could pretend that their opposition was only to a bad administration and the pernicious designs of those who governed under his authority.

"Already the Duke of Guise, more enterprising and more alive than the others, directed, at his pleasure, the resolutions of his party. He had drawn into his sentiments the Constable and the King of Navarre, by persuading them, that if they would all resort to court, *they might bring off the King and the Queen mother to the capital*, and reduce them to the necessity of taking measures and issuing edicts, as the Catholics should judge convenient to their interests, without exposing themselves any longer to the danger of being anticipated, and without permitting their enemies to seize on the King, and avail themselves of his authority. The Prince of Condé had formed the same design. He had retired at first to Meaux, and from thence to his estate at La Ferté, where he intended to assemble the main body of his forces. This resolution was the effect of the advice of the Admiral, suggested by the Queen, and the projects of the Catholics which had not escaped his penetration; nothing being more common in civil wars than to discover the designs of the

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enemy, either by the infidelity of some to the secret, or by the multitude of spies who are employed. The chiefs of the Catholic party had occasion only for their ordinary retinue to execute their design; the neighborhood of Paris, which was wholly devoted to them, assured them of sufficient forces, and offered them favorable opportunities. On the contrary, the Prince of Condé, weaker than his enemies, and followed by few troops, was obliged to wait for the lords of his party and the nobility, whom he had summoned from several provinces, who assembled but slowly. Thus the Catholics were beforehand, by appearing all well attended at the court.

"Their unforeseen arrival did not disconcert the Queen. Although she depended little on the success of her intrigues, she exerted herself to persuade the King of Navarre to depart from court with the princes and lords who had accompanied him. 'No man is ignorant,' said she to him, 'that the Catholic lords desire to take advantage of my weakness and that of my son, to compel us to regulate the state according to their inclinations, by governing at the will of their ambition and private interests. This conduct, directly opposite to the principles of honor and of fidelity, of which they boast, is not less contrary to the tranquillity and the conservation of the state, which they pretend to have alone in view. To issue new edicts, and revoke those which have been published, is it not to put arms into the hands of the Huguenots? These sectaries, already so audacious and so ready to revolt, will complain aloud of injustice if we annul without reason an edict prepared and accepted with the consent of both parties. During the minority of the King we ought to avoid war and the troubles inseparable from it, to the utmost of our care and power. To whom will the nation impute the disasters which will overwhelm it? Will not eternal infamy be the portion of those who have the principal share in government? It was to avoid these dangers, and to take away all pretexts from the incendiaries, that I subscribed the edict of January and quitted the capital. The most effectual means of aggravating the violence of an evil, which as yet is only creeping on secretly, would be to carry us into a suspected city, and repeal an edict already published. The King of Navarre and the Catholic princes ought to remember that it belongs only to the flagitious, whose fortune is uncertain or desperate, to

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excite civil wars. The Prince commands without contradiction. The lords of his party, loaded with riches, dignities, employments, and honors, enjoy the most flourishing fortune. Can they envy the people an imaginary and momentary liberty? Let them suffer the King to arrive at his majority without seeing his kingdom distracted with war. Forced by necessity, I have only pardoned faults which I could not punish; nor have I granted to the Huguenots other liberty than that which they had usurped. It is only by management that we can cure the people of this frenzy. Let the Catholic chiefs, then, arm themselves with patience, for fear that, by rash remedies, they may envenom an evil which may draw after it fatal revolutions and the most melancholy events. If, however, you are resolved to make any alteration in the edict, it ought only to be done by insensible degrees and by the favor of suitable opportunities and conjunctures. To employ violent means, would be to furnish the seditious with pretexts which they seek with so much ardor.'"

XXVI.

"THESE reasons of the Queen, urged and repeated with energy, would have staggered the King of Navarre, and perhaps the Constable, if the Duke of Guise would have listened to them. But he wished for war; by the favor of which he flattered himself he should recover and even increase his ancient power. Moreover, in quality of chief and protector of the Catholic party, he wished to annul, by any means whatever, all that had been done against his inclination to the prejudice of the church; and to arrogate to himself all the glory of such a revolution. He combated therefore, with vivacity, all the reasons of the Queen, and remonstrated to his confederates that they would infallibly lose all their credit and reputation by suffering themselves to be so easily amused by a woman, who had no other design than to throw herself into the arms of the opposite party, as soon as they, from a blind confidence in her words, should depart from court. 'Nothing,' added the Duke, 'will be more prejudicial to our cause, nor more infamous for us, than to avow that it is neither the public good nor the maintenance of the royal authority, but private passions and personal interests

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which have put us in motion. It will be believed that the remorse of our consciences has obstructed us in the pursuit of our enterprise. The artificial discourses of the Queen ought not to prevail with us to abandon a resolution maturely weighed and taken by concert, nor to interrupt the execution of a project dictated by reason, prescribed by honor, and commanded by that attachment which we have professed to religion, whose preservation and interest have chiefly determined us to this measure. It is no longer the season to delay and to waste time in disputes. Already the Prince of Condé is advancing in arms; the forces of the Huguenots are assembled; they are ready *to seize on the person of the King, if we do not hasten to place him in a situation of safety; and since we cannot terminate this affair by persuasion, let us not be intimidated from employing force. Let us take away the King*, and leave the Queen to take the part which she shall judge most convenient. The resolutions of this Princess are of little moment to us, as soon as we shall be supported by the presence of our lawful sovereign, aided by the authority of the first prince of the blood, to whom, by right of birth, belongs the government of the kingdom.'

"The Prince of Condé, united with the Colignis and other lords of his party, approached the court. The Constable and the King of Navarre, persuaded by the Duke of Guise, gave the Queen to understand that it was necessary to take her resolution without loss of time; that, for themselves, they had resolved to conduct the King and his brothers to Paris, for fear they should fall into the hands of the Huguenots, who, according to intelligence, were not far distant. That they would not abandon their master to the mercy of heretics, who intended to take him away, in order to make an ill use of his name and undermine the foundations of the monarchy. That there was no time to be lost or trifled away. *That they should conduct the King to Paris, as their own honor and the good of the state required.* That, as to herself, they pretended not to constrain her in any thing; but should leave her, with all the respect that was due to her, at liberty to dispose of her person as she should think fit. The Queen was not astonished at this declaration, bold and sudden as it was. She had foreseen it, and determined beforehand on her plan in such a situation. Forced to declare herself, although she foresaw that the two parties would soon

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come to blows, she would not abandon the Catholic party. She pretended that her honor and her reason attached her to it. She imagined she saw her safety and that of her children in it. Taking, therefore, in an instant, her resolution, she answered, with her usual presence of mind, that no person was more attached than herself to the Catholic religion, nor more zealous for the good of the State. That she would, upon this occasion, give way to their sentiments; and, since they were all for quiting Fontainebleau, she would concur with them.

"With the utmost promptitude, she gave orders for their departure; but, at the same time, she wrote to the Prince of Condé a letter, in which she lamented that she could not commit herself and the person of the King into the hands of his partisans, according to the promise she had made him. That the Catholics had prevented them, by conducting them by force to Paris. That, provided he did not lose his courage, she exhorted him not to suffer his enemies to take possession of the whole authority of government. She then commenced her journey, with the King and her other children, surrounded by the triumvirate and the other Catholic lords, who, to console her, treated her with great respect and honor. She arrived that evening at Melun, the next day at Vincennes, and in the morning of the third day at Paris. Many persons observed the young King in tears, thinking the Catholic lords had deprived him of his liberty. The Queen, irritated by the ill success of her artifices, and foreseeing the calamities of an inevitable war, discovered during the whole journey a mournful and mortified air and countenance. The Duke of Guise was so little affected with this, that he said, freely and openly, that the *public good was a public good, whether it was obtained by consent or by force.*

"The Prince of Condé was informed, upon his march, of the departure of the King; and perceiving himself either prevented by the Catholics, or deceived by the Queen, made a halt, and remained some time undecided what course he should take. The terrible picture of those dangers which threatened him, presented itself in lively colors before his eyes; but the Admiral, who had remained a little in the rear, arriving, they conferred together a few minutes, and the Prince, with a profound sigh, cried out, 'The die is cast; we are too far advanced to retreat.'

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He took immediately another road, and marched with rapidity towards Orleans, of which he had for some time resolved to take possession. This city, one of the principal of the kingdom, about thirty leagues from Paris, is vast, well built, and very populous; it is situated in the province of Beauce, almost in the middle of France, upon the banks of the Loire, a large navigable river, which, after having watered several provinces, falls into the ocean in Brittany. Orleans, by its navigation and its facility of communication with several other provinces, appeared to the Prince very proper for a place of arms and the centre of his party, and to be opposed, in some sort, to Paris.

"For several months that he had meditated to make himself master of this city, he had entertained a secret intelligence with some of the inhabitants inclined to the doctrines of Calvin, whom he employed to engage a great part of the young men, who were restless, seditious, and greedy of novelties."

As it is not intended to relate in detail the whole of this history, it is sufficient to say, that he got possession of Orleans; that the two parties published manifestoes; and that chicanery, negotiations, battles, sieges, conflagrations, and assassinations succeeded, in all their usual train of horrors in civil wars.

XXVII.

We shall now content ourselves with reciting the summary of this first civil war. After the publication of declarations and manifestoes, the two armies took the field. The Queen mother wishes to avoid a war, and to procure peace. She negotiates an interview for this purpose with the Prince of Condé, but without success. She continues, however, to negotiate an accommodation, and obtains a conclusion of it. The Prince repents of it, by the persuasion of his partisans, and resumes his arms. He attempts in the night to surprise the royal army. His enterprise does not succeed. The King receives powerful reinforcements from Germany and Switzerland. The Prince of Condé is obliged to shut himself up in Orleans, and separate his army, which he could not hold together in a body. He sends to demand succors in Germany and England, and consents to deliver Havre de Grace to the English, and receive their garrisons into

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Rouen and Dieppe. The Queen, irritated and afflicted at these resolutions, joins thè Catholic party, and declares the Huguenots rebels. The royal army takes Blois, Tours, Poitiers, and Bourges. The fifteenth of September, 1562, it lays siege to Rouen; in the course of which, the King of Navarre, visiting the trenches to reconnoitre the state of the place, was wounded in the left shoulder by a shot of an arquebuse, which broke the bone, wounded the nerves, and felled him to the ground, as if he was dead. He was carried immediately to his quarters, where all the other generals assembled. The surgeons who dressed his wound, in the presence of the King and Queen, judged it mortal, because the ball had penetrated too far into the body.

The twenty-sixth of October, 1562, the city was carried by assault, and the whole army entered, making a horrible carnage of the garrison and inhabitants, by putting to the sword, without any quarter, all who presented themselves, armed or unarmed. The city was delivered up to be plundered, except the churches and consecrated things, which the soldiers were made to respect, by the vigilance and good discipline of the generals.

" The King of Navarre, suffering under the pains of his wound, and wounded in spirit almost as much as in body, insisted on embarking on the Seine, to be transported to Saint-Maur, a pleasure-house near Paris, where he often went to take the air and enjoy the tranquillity of solitude. He scarce arrived at Andeli, a few leagues from Rouen, when his fever was augmented by the agitation of the *bàteau*, he lost his senses, and died in a few hours. He united to his high birth an elegant person and a softness of manner. If he had lived in other times, and under a better constitution of government, he might have been reckoned among the greatest princes of his age; but the candor and sincerity of his heart, the sweetness and affability of his disposition, in the midst of political troubles and civil dissensions, served only to hold him in continual agitation and inquietude. Inconstant in his projects, and uncertain in his resolutions; drawn away, on one side, by the impetuous character of his brother, and excited by the party of the Calvinists, in which he long held the first rank; restrained, on the other hand, by motives of honor, as he thought, by his natural inclination for peace and aversion to civil wars, he discovered, on many occasions, but little firmness or constancy in his designs. Placed

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in the number of those who lay under the reputation of seeking to disturb the state, he shared in their disgrace; and he was seen afterwards at the head of the opposite party, persecuting those whom he had formerly protected.

"In point of religion, sometimes allured to Calvinism, by the persuasions of his wife and the discourses of Theodore Beza; and sometimes brought back to the Catholic faith, by the torrent of fashion and the eloquence of the Cardinal of Lorraine, he gained the confidence of neither party, and left in his dying moments suspicious and equivocal ideas of his creed. Many thought that, though he was in his heart attached to Calvinism, or rather to the Confession of Augsburg, he separated from the Huguenots from secret views of ambition; and suffering impatiently that the Prince, his brother, by his valor and greatness of soul, had acquired among them more esteem than himself, he chose rather to hold the first rank among the Catholics, than the second among the Calvinists. He died at the age of forty-two, in a time when, his prudence increasing with age, he might perhaps have surpassed the opinion which had been conceived of him. Jane of Albret, his widow, continued in possession of the title of Queen, and of what remained of Navarre. She had two children, — Henry, Prince of Béarn, then nine years of age, and afterwards the all-glorious Henry IV. of France; and the Princess Catherine, then very young. Their mother lived with them at Pau and at Nerac, supervising their education in the new religion."

The Prince of Condé, reinforced by the auxiliary forces from Germany, makes haste to attack Paris. The King and Queen return thither with their army, and, after various negotiations, the Prince is constrained to depart. The two armies march towards Normandy; a memorable battle is fought at Dreux, where the Prince of Condé is made prisoner by the Catholics, and the Constable by the Huguenots. In the first onset of this action, Gabriel of Montmorenci, the son of the Constable, had been killed; the Comte of Rochefort had been thrown from his horse, and lost his life; and the Catholics, in spite of all their bravery, began to give way. The German cavalry, armed with pistols, and divided into two large squadrons, having joined the Admiral in this critical moment, made a fresh charge with such fury, that they broke the Catholics, and forced

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them to fly. The Constable, who fought in this place with great bravery, exerted himself in vain, to stop and rally the fugitives. His horse fell under him, and he was wounded in the left arm, surrounded by the Germans, and made prisoner, after having seen perish at his side the Duke of Nevers and several other officers of distinction.

"The Prince of Condé, in charging the cavalry of the Duke of Guise, was afterwards wounded in his right hand, and, covered over with blood and dust and sweat, was made prisoner by Damville, who, wishing to avenge the capture of his father, fought with desperation. The Duke of Guise remained master of the field of battle, the baggage and artillery of his enemy. The Prince of Condé was brought into the presence of his conqueror, and it was a memorable scene to see those two famous men, whom past events, and especially the last battle, had rendered implacable enemies, reconciled at once by the caprice of fortune, sup at the same table, and, for want of other lodgings and better accommodations, pass the night in profound sleep on the same bed.

"Those who first fled from this action, carried to Paris the news of the defeat and captivity of the Constable, and threw the court into deep mourning and great inquietudes. They were dissipated, however, a few hours afterwards, by the captain of the King's guards being despatched by the Duke of Guise. The news which he spread, and the assurances which he gave, of the victory gained by the Catholics, diminished the grief caused by the death of so many brave men, whose loss had put all France in mourning. Besides the lords and knights of distinguished nobility and reputation, they reckoned eight thousand men among the slain. The Duke of Guise acquired a glory without bounds by this victory, which gave a great check to the Huguenots. The King and Queen declared him general of the army; and he took the route to Orleans, that he might not leave his enemy the time to repair their losses."

XXVIII.

The siege and defence of Orleans may be a good lecture on the military art, but is not directly to our purpose, which, at pre-

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sent, is only to relate the fortunes and catastrophe of the great actors in those scenes of emulation, which have been before described.

"There was in the party of the Huguenots a gentleman named Poltrot, of an active mind and a designing character. He had lived some years in Spain; and, having afterwards embraced Calvinism, and resided some time at Geneva, he discovered so much zeal for his new faith, and entered so earnestly into all the intrigues of the party, that the Calvinists in general considered him as a personage capable of attempting in their favor the most hazardous enterprises."

It is not one of the least evils of a civil war, that no man's character is secure against suspicions and imputations of the most enormous crimes. It is almost the universal practice for each party to charge the leaders of the other with every base action, every sinister event, and every high-handed wickedness, without much consideration or inquiry, whether there is truth or evidence, or even color, to support the accusation.

"The Catholics pretended that the Admiral and Theodore Beza engaged Poltrot to assassinate the Duke of Guise, by promises of great rewards, and by persuading him that he could do nothing more acceptable to God, than to deliver his people from their most cruel persecutors. Poltrot, yielding to their instigations, pretended to have abandoned the Calvinist party, and threw himself into the royal army, where, having insinuated himself into the house of the Duke of Guise, he watched for a favorable moment to execute his design. The twenty-fourth of February, 1513, the Duke, after having given his orders for an assault, which he intended to make the next day at the bridge of Orleans, returned at night to his quarters, about a league distant from the trenches; Poltrot, mounted on a Spanish horse, very fleet, waited for him on his passage, and, seeing him accompanied only by a gentleman of the Queen, with whom he was closely engaged in conversation, he shot him in the back with an arquebuse, loaded with three balls. The Duke was without arms; the three balls struck him under the right shoulder, and pierced him through the body; he fell from his horse for dead. His gentlemen, who marched before, that they might not interrupt his conversation, returned at this accident, and carried him to his lodgings, where, as soon as they had examined

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his wound, his life was despaired of. The King, the Queen mother, and all the lords in the army, at the news of so fatal a disaster, hastened to the Duke's lodgings; but all their cares and remedies were useless; he died in three days, with great sentiments," says Davila, "of piety and religion, discovering in his discourses a greatness of soul and a most admirable moderation. This Prince united, with the highest valor and singular abilities, a consummate prudence. As profound in council, as active in execution, he always saw his designs crowned with the happiest success. These qualities had procured him the reputation of the first captain of his age; and his exploits merited the title of the defender and protector of the Catholic religion. He left a name glorious and celebrated to posterity," *tarnished, however, to endless ages, with the just imputation of intolerance.*

"Poltrot had escaped into a neighboring forest; but tortured by the remorse of his conscience and by the terror of being pursued on all sides, he wandered all night in the woods without being able to find the road to Orleans. The next morning, exhausted by fatigue, he was arrested by some Swiss guards, and led to the Queen and the principal officers of the army. He alternately accused and acquitted, both on the rack and at his execution, the Admiral and Theodore Beza, who published declarations throughout all Europe, denying in the most solemn manner their knowledge of the design of Poltrot. The court hastened the execution of this monster, by quartering him between four horses, before an opportunity had been given to confront and examine him, as the Admiral requested. The consequence was, that the suspicion was fastened on these two austere and excellent characters in the minds of the Catholic party, though they have been uniformly acquitted by the whole impartial world. In consequence of the prejudices of the Catholics, the children of the Duke of Guise preserved a cruel resentment, and took a horrible revenge."

The death of the Duke of Guise was followed by a general peace; and the royal army retakes Havre de Grace from the English. The King arrives at his fourteenth year, and is declared of age. The Queen's inventive genius imagines various means of appeasing the discontented princes; and to accomplish her designs, travels with the King through all the

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provinces of the kingdom. In Dauphiny, they contrived an interview with the Duke of Savoy; at Avignon, with the ministers of the Pope; and on the frontiers of Guienne, with the King and Queen of Spain. To these princes they might communicate their secret designs, without apprehension of their coming to the knowledge of the Huguenots, which would have been almost inevitable if they had employed ambassadors. The Queen, with her usual dissimulation, endeavored to prevent the public from suspecting her genuine design and secret views. She pretended that it was a simple desire in the King to see his kingdom and show himself to his people. The Queen pretended to consent to it, only to display before the eyes of the people the magnificence of her court, and to see her daughter, the Queen of Spain. Under the veil of these appearances, so different from the truth, nothing was seen but magnificent preparations and sumptuous liveries; nothing was talked of but huntings, balls, comedies, and feasts. The interviews and intrigues in the course of their journey with the Dukes of Lorraine, of Wirtemberg, and other chiefs of the Protestants or Catholics in Germany; the Count Palatine, the Duke of Deux Ponts, the Duke of Saxony, and Marquis of Baden, the Duke of Savoy, and the ministers of the Pope, we pass over.

"In 1565, at Bayonne, they met the Queen of Spain, accompanied by the Duke of Alva and the Count de Benevento. While they pretended to be there wholly employed in feasts and pleasures, they held secret councils in concert to abolish the diversity of religion. The Duke of Alva, a man of a violent character, whose very name, as well as that of the Cardinal de Lorraine, is associated in every mind with bloody bigotry and anti-christian intolerance, said boldly, that to cut the root of all novelties in matters of religion, it was necessary to 'cut off the heads of the poppies; to angle for the large fish; not amuse themselves with the frogs. When the winds shall cease to blow, the waves of the populace will soon be calmed.'"

These are the miserable maxims of tyranny, whether it be exercised by a single man or a multitude. "There is no difference," according to Aristotle and history and experience, "between a people governing by a majority in a single assembly, and a monarch in a tyranny; for their manners are the same,

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and they both hold a despotic power over better persons than themselves. Their decrees are like the other's edicts; their demagogues like the other's flatterers." *

Old Tarquin would not utter these maxims in words to the messenger of his son from Gabii, but walked out into his garden, and struck off the heads of the tallest poppies with his staff. With no better authority than these trite aphorisms of despotism, did the Duke of Alva support his dogmatism that a sovereign could do nothing more shameful or contrary to his interests than to grant to his subjects liberty of conscience, and his advice to employ fire and sword to exterminate the chiefs of the Huguenots.

XXIX.

The Queen mother had either more hypocrisy, more softness of temper, or more cunning. She was for essaying all means of alluring the chiefs of the Huguenots to the bosom of the church and their obedience to the King.

The difference of circumstances, of manners, of interests and characters, as usual, divided their sentiments, and, causing them to look at things on different sides, dictated opposite resolutions. The two Kings, however, take measures in concert to suppress rebellions. The Queen of Navarre comes to court. The King engages the family of the Châtillons to a reconciliation with that of the Guises. Their reciprocal hatreds soon rekindle and break out afresh. The Queen of Navarre in discontent quits the court.

The advice of the Duke of Alva was conformable to the temper and character of this King. He said he highly relished the sentiment of the Duke; that the heads of those rebels were too high in the state. The four families of Bourbon, Montmorenci, Guise, and Châtillon, all stimulated by other subordinate families dependent on them, continue their emulations, fallacies, hatreds, envies, oppositions, intrigues, manœuvres, combinations, decompositions, tergiversations. Another civil war breaks out, the history of which, with its causes and events, we shall leave the reader to read in detail.

* *Aristotle's Politics*, lib. iv. ch. iv.

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"In 1567, at the battle of St. Denis, the Constable de Montmorenci, in spite of five wounds he had received in the head and face, fought with extreme valor, and endeavored to rally his troops and lead them back to battle, when Robert Stuart, a Scot, came up to him, and presented a pistol to him; the Constable said to him, 'are you ignorant, then, that I am the Constable?' 'It is because I know you,' said Stuart, 'that I present you this,' and at the same time shot him in the shoulder with his pistol. Although the violence of the blow struck down the Constable, he had strength enough left to strike Stuart in the face, with the hilt of his sword, which remained in his hand, though the blade was broken, with such force as to break his jaw, beat out three of his teeth, and bring him down by his side half dead. The Huguenots were defeated, however, but the next day the Constable died at the age of fourscore, after having shown in the action as much enterprise, bravery, and vigor, as if he had been in the full strength of his youth. He preserved to his last moment an admirable firmness and presence of mind; a priest approached his bed to prepare him for death; the Constable turned to him with a serene countenance, and prayed to be left in repose; adding, it would be shameful for him to have lived eighty years, without learning to die for half an hour. His wisdom, his rare prudence, and long experience in affairs procured for him and his family immense riches and the first employments under the crown. But he was always so unfortunate in the command of armies, that in all the enterprises where he had the command-in-chief, he was either beaten or wounded or made prisoner.

"The Calvinistic army retired into Champagne, and afterwards into Lorraine, to meet the troops they expected from Germany. The Queen, whom the death of the Constable had now delivered from the power and ambition of the grandees, and who remained the single arbiter of the Catholic party, would no longer expose herself to the dangers of an unlimited power, by advising the King to name another constable or general of the army. She judged more proper to reserve to the disposition of the King, and in her own power, the whole authority of the command. She, therefore, persuaded Charles, by many reasons, to place at the head of his army the Duke of Anjou, his brother, a young prince of great hopes, but who was not yet six-

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teen years of age. The army is reinforced by succors sent from Flanders by the King of Spain, and from Piedmont and many other places. The Duke of Anjou follows the Huguenots, to give them battle before their junction with the Germans. He overtakes them near Châlons. But the misunderstandings and other obstacles excited in his council hinder him from hazarding a battle. The Calvinists pass the Meuse, and form a junction with the auxiliary troops commanded by the Prince Casimir. They return into Champagne. The Queen goes to the army to extinguish the divisions that reign there. They take the resolution not to attack the Huguenots, now become too formidable, but to draw out the war into length. The two armies march off satisfied with observing each other's motions.

This Fabian system of the Catholics disconcerts the Prince of Condé and the Admiral, unprovided with money to support, for any length of time, their army. In order to draw the royal army to battle they form the siege of Chartres. The danger of that city gives occasion to new propositions of peace.* Indeed a peace is concluded, and the two armies are separated; but the Huguenots did not surrender all the places they were masters of, nor did the King discharge his Swiss or Italian troops, which occasion new quarrels.

The court, seeing that the Huguenots did not execute the conditions under which they had been promised an oblivion of the past, attempts to take off the Prince of Condé and the Admiral, who had retired well accompanied to Noyers in Burgundy. They are advertised of their danger, and escape to La Rochelle, reassemble their forces, and make themselves masters of Saintonge, Poitou, and Touraine. The King orders the Duke of Anjou to march against them. The two armies meet at Jaseneuil without engaging. They meet again at Loudun; the rigor of the season prevents a battle. The excessive cold obliges them to march at a distance from each other. Distempers break out in both armies, and carry off vast numbers. They open the next campaign in the month of March. The Huguenots pass the Charente, break down the bridges, and guard all the passages. The Duke of Anjou, by the means of a stratagem, passes the river. The battle of Jarnac ensues. On the sixteenth of

* Compare this negotiation with that of Lord Howe with the committee of congress in 1776. J. A.

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March, 1569, this famous action, so fatal to the Protestant cause and to liberty of conscience in France as to have annihilated, or at least to have oppressed both for two hundred and fifty years, took place. The young Duke of Guise distinguished himself on that day, by attacking the left wing of the Calvinists, commanded by the Admiral and D'Andelot, at the head of the nobility of Brittany and Normandy, and gave proofs of a courage and talents capable of performing as much good, or committing as much evil, as his father had done.

The Prince of Condé, who commanded the main body opposed to the Duke of Anjou, supported with intrepidity the shock of the enemy, and, when abandoned by his right and left, charged on all sides by the conquerors, and surrounded by a whole world of enemies, he and those who accompanied him fought with desperation. In arranging his squadrons, he had been wounded in the leg by a kick of the Duke de la Rochefoucauld's horse, and, in the combat, his own was killed and overthrown upon him. This prince, thus dangerously wounded, put one knee to the ground, and continued to fight, until Montesquiou, Captain of the Guards of the Duke of Anjou, shot him through the head with a pistol. Robert Stuart, who had killed the Constable at the battle of St. Denis, and almost all the gentlemen of Poitou and Saintonge, were cut in pieces by the side of the Prince.

"The Duke of Anjou fought in the first ranks of his squadron with a valor above his years, had a horse killed under him, and ran great risks of his life. The Huguenots lost near seven hundred noblemen or knights of distinction. The soldiers, in derision, with scoffs and insults, brought the body of the Prince of Condé upon an ass or packhorse to the Duke of Anjou at Jarnac.

L'an mil cinq cens soixante et neuf
Entre Jarnac et Château-neuf
Fut porté mort sur une ânesse,
Le grand ennemi de la Messe.

"Young Henry, Prince of Navarre, begged the body of the Duke of Anjou, who sent it to Vendôme, to the tombs of his ancestors. Thus lived and died Louis of Bourbon, Prince of Condé, whose valor, constancy, and greatness of soul, distinguished him above all the greatest princes and most famous

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captains of his age." I shall reverse the reproaches of Davila, and say that he deserves to be canonized as one of the protomartyrs to liberty of conscience, instead of that crowd of bloody tyrants with which the calendar has been disgraced.

"The affairs of the Huguenots were in a critical situation. It was not doubted but that, after the death of the Prince, the Admiral would be chosen for their chief, both because of the distinguished employments which he had held in the party, and the reputation which his prudence had acquired. After the battle of Dreux, when the Prince was made prisoner, the whole party, with unanimous consent, had deferred to Coligni the honor of the command. But at present, there were several gentlemen, who, by their birth, their riches, or their other qualities, thought themselves not his inferiors. Some of these tore his reputation with slanders; some detested the austerity of his character, *manners*, and *habits*."

Unhappy Admiral! thy fortune, however, is not singular. Merit, talents, virtues, services of the most exalted kind, have, in all ages, been forced to give way, not to family pride, for this alone would be impotent and ridiculous, but to the popular prejudice, the vulgar idolatry, or the splendor of wealth and birth, with which family pride is always fortified, supported, and defended.*

"The Admiral had lost, by malignant fevers, his brother D'Andelot and his friend Boucard. Deprived of these two, the party which interested itself in the grandeur and elevation of the Admiral was considerably weakened. But Coligni surmounted all obstacles by his address; he began by renouncing in appearance those chimerical titles with which a vain ambition would have been satisfied, proposing, however, in fact, to preserve all the authority of the command. He resolved to declare chiefs of the party and generals of the army, Henry, Prince of Navarre, and Henry, Prince of Condé, son of the deceased prince. During the childhood of these, the Admiral remained necessarily charged with the conduct and administration of all affairs of importance. It was, among Protestants as well as Catholics, in the cause of liberty as well as that of tyranny, the only means of repressing the ambition and pretensions, the envy, jealousy,

* So says the world; not I. J. A.

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malignity, and perfidy of the grandees; the only means of answering the expectations of the people, and of uniting minds which the diversity of sentiment had already very much divided.

"In this resolution, without demanding what he felt he could not obtain, the Admiral entreated the Queen of Navarre to come to the army, representing to her, that the moment was arrived for elevating the Prince, her son, to that degree of grandeur for which he was born, and to which she had long aspired. The Queen was not wanting in courage or fortitude. Already resolved, at all hazards, to declare her son the head of the party, she came with all the diligence which a stroke of so much importance required, and appeared with the two princes at the camp at Cognac. Discord reigned in the army, notwithstanding the necessity of union and unanimity, to such a degree, that it was on the point of disbanding. The Queen of Navarre, after having approved the views of the Admiral, assembled the troops. She spoke to them with a firmness above her sex, and exhorted all those brave warriors to continue constant and united for the defence of their liberty and their religion. She proposed to them for chiefs the two young princes, who were present, and whose noble air interested the spectators; adding, that, under the auspices of these two young shoots from the royal blood, they ought to hope for the most happy success to the just pretensions of the common cause. This discourse animated the courage of the army, who appeared to forget in an instant the chagrin caused by the loss of the battle, and by the dissensions which had followed it. The Admiral and the Earl of Rochefoucauld were the first to submit and to take an oath of fidelity to the Princes of Bourbon; the nobility and all the officers did the same, and the soldiers, with great acclamations, applauded the choice which their generals had made of the Princes for *chiefs and protectors of the reformed religion.*"

This, in human imaginations, is considered, and, in human language, is called DIGNITY! The greatest statesman and the greatest general of his age must resign the command of his own army, even in the cause of religion, virtue, and liberty, to two beardless boys, because they had more wealth and better blood!

"Henry of Bourbon, Prince of Navarre, aged fifteen, had, however, a lively spirit, a great and generous soul, and discovered a decided inclination for war. Animated by the councils

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of his mother, he accepted, without hesitation, the command of the army, and promised the Huguenots, in a concise military eloquence, to protect their religion, and to persevere in the common cause, until death or victory should procure them liberty. The Prince of Condé, whose tender age did not permit him to express his sentiments, marked his consent only by his gestures. Thus the Prince of Navarre, who joined to the superiority of age the prerogative of first prince of the blood, became really the head of the party. In memory of this event, the Queen Jane caused medals of gold to be struck, which represented on one side her own bust, on the other that of her son, with this inscription, — PAX CERTA, VICTORIA INTEGRA, MORS HONESTA, — *A safe peace, complete victory, or honorable death.*"

Coligni remains charged with the conduct of the war, by reason of the youth of the princes; he divides his troops, and throws them into the cities which adhered to him. The Duke of Anjou pursues his victory, and forms the siege of Cognac, which he is obliged however to raise, by the vigorous resistance of the besieged. He takes several other cities. A new army of Germans, commanded by the Duke of Deux-Ponts, enters France to assist the Huguenots. Wolfgang of Bavaria, Duke of Deux-Ponts, excited by the money and the promises of the Huguenots, with the aid of the Duke of Saxony and the Count Palatine of the Rhine, and at the solicitation of the Queen of England, had raised an army of six thousand infantry and eight thousand horse. In the same army was William of Nassau, Prince of Orange, and Louis and Henry, his brothers, who, after having quitted Flanders, to avoid the cruelty of the Duke of Alva, supported the interests of the Calvinists of France, whose religion they professed. This army marches towards the Loire, takes La Charité, and passes the river. The Duke of Deux-Ponts dies of a fever, and is succeeded in command by Count Mansfeld. The Princes, and their mentor, the Admiral, march to meet this succor. The Duke of Anjou, for fear of being surrounded by these two armies, retires into Limousin. The Huguenots, combined with their allies, follow the royal army. A spirited action ensues at Roche-Abeille. The sterility of the country forces the Huguenots to retire. The Queen mother comes to the camp. The resolution is taken to separate the royal army, to leave the forces of the Huguenots to consume by

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time. It is separated, in fact, and the Duke of Anjou retires to Loches in Touraine.

XXX.

The Huguenots lay siege to Poitiers. The Duke of Guise resolves to throw himself into it to succor the garrison. This young prince, the object of the hopes of the Catholics, proposed to himself to become one day their chief, by imitating thus, at the beginning of his career, by an illustrious and memorable example, the glory of his father, who, by the defence of Metz against the forces of the Emperor Charles V., had prepared his way to the highest power and most brilliant reputation.

The Duke of Anjou proposes to raise the siege by a diversion; he assembles his army, and leads it to Châtelleraud. The Admiral raises the siege of Poitiers, and obliges the Duke of Anjou to raise that of Châtelleraud. The Duke of Guise, however, by his activity in defence of Poitiers and his frequent sallies, came out of it covered with glory and applause; the whole Catholic party began to consider him as the support of religion, and the worthy successor of the power of his father. Sansac in vain lays siege to La Charité. The Earl of Montgomeri defeats the royalists in Béarn, surrounds Terride, and takes him prisoner.

"The Duke of Anjou came to Tours to consult with the King, his brother, and the Queen mother. The Duke of Guise came there also, shining with honor and glory, for the great actions by which he had signalized himself at the defence of Poitiers. They all deliberated on the means of pushing the war, and the Duke of Guise, coming in the place of his father, was then admitted for the first time into the secret council. He owed this favor to the splendor of his birth, to the services of his father, to his own valor, to the protection of the Cardinal of Lorraine, his uncle, but above all to the implacable hatred which the King had conceived against the Admiral. After the death of the Prince of Condé, at the battle of Jarnac, Charles had entertained hopes that the Calvinistical party, no longer supported by the authority of a prince of the blood, nor of a general capable by his reputation and his valor of supporting the weight of so great an enterprise, would separate and disperse, or at least incline to submit. But he saw, on the contrary, that the policy of the

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Admiral had reanimated the forces of his party; that his valor and his ability, by availing himself of the name of the two young princes of the blood royal, had preserved union among the Calvinists, caused greater commotions, and exposed the state to dangers more terrible, than any which had been before experienced. He, therefore, caused the Admiral Coligni to be declared a rebel, by an *arrêt* of the Parliament of Paris, which was published and translated into several languages. They dragged him in effigy upon a hurdle, and attached him to a gibbet, in the place destined to the execution of malefactors. They ordained that his houses should be razed to the foundations, and his goods sold at auction. From this time, the King, resolved to pursue the Admiral to death, began to elevate and favor the house of Lorraine, and above all the Duke of Guise, who, burning with ardor to avenge the death of his father, did not dissimulate the implacable hatred he bore to Coligni."

The Admiral continues the war with vigor. The Duke of Anjou, whose army had been reinforced, seeks a battle. The Admiral endeavors to avoid it. At length he prepares for it, forced by a mutiny of his own army who demand it. He endeavors nevertheless to retire. The Duke of Anjou pursues him, and joins him near Moncontour; the two armies come to action on the plains of Moncontour, and a bloody battle ensues; victory remains to the Duke of Anjou, with a great carnage of the Huguenots. The party is discouraged; but the Admiral, although dangerously wounded, raises their spirits, and persuades them to continue the war. The Princes and the Admiral abandon the whole country, except La Rochelle, Angoulême, and Saint-Jean d'Angeli.

"Their design was to join the Earl of Montgomeri; a resource which fortune seemed to have reserved to reëstablish their forces and repair their losses. After that junction, they intended to remain in the mountains, until the Princes of Germany and the Queen of England should send them succors. They founded, moreover, some hopes on the Marshal of Damville, Governor of Languedoc, who for some time appeared inclined in their favor, and with whom they maintained a secret intelligence. While the Constable lived, Damville had held a distinguished rank in the Catholic party, and had shown himself a declared enemy of the Huguenots. His jealousy against Francis of Montmorenci, his

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elder brother, who was connected in friendship with the Prince of Condé and the Colignis, his relations, had inspired him with this hatred of the Calvinists, which had been fomented by the esteem which the Guises professed for him and the favors they procured him. Able and profound in dissimulation, according to conjunctures, they had employed all possible artifices to retain him in their party, and, by his intervention, to attach to them indissolubly the Constable, who discovered much predilection and partiality for Damville, whom he believed superior in courage and abilities to his other children. The Queen mother made him the same demonstrations. Obliged, during the minority of the King, to manage the grandees, she employed the Marshal Damville to preserve her the attachment of the Constable; but, after his death, all these motives and considerations ceased. The Queen, who had no longer occasion for Damville, gave herself little trouble to reward his services. The Guises, far from showing him the same regard, employed the management and persuasions of the Cardinal of Lorraine, who was now very high in favor with Charles IX., to depress and disserve the Marshal, as a sprout of a house which had been long the object of hatred and jealousy to that of Lorraine.

"Damville soon perceived this change. The death of his father put an end to his differences with his elder brother, who was not less exasperated than himself at the refusal of the office of Constable, possessed so long by their father, and which they had solicited more than once. He began to make advances to the friends and relations of his family, and sought to renew an intercourse with the Admiral, to whom he intimated secret though uncertain hopes. This motive had hindered him from succoring Terride, in Béarn, and from taking from the Huguenots the places which they held in Gascony and Languedoc. He was the more inclined in favor of the Calvinists, as he saw the Admiral already advanced in years, and every day exposed to evident dangers. If this nobleman should die before the princes were of an age to command, Damville hoped to succeed him in the command of the Calvinistic party. Finally, he dreaded that, if the King and the Guises should overbear the princes, the Admiral, and all the Huguenots, they would then turn their efforts against the family of Montmorenci, which would remain alone of all the ancient rivals, who had inspired

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him with jealousy. These dispositions did not escape the penetration of the Admiral. Excited by such hopes, he persuaded the princes to abandon the flat country, and retire with a small number of troops into the mountains of Gascony and Languedoc."

The Duke of Anjou besieges and takes Saint-Jean d'Angeli, and loses much time and many soldiers. He falls sick, and retires, first to Angers, and then to Saint Germain. The princes join the Earl of Montgomeri, and reinforce their troops in Gascony. They pass the winter in the mountains, and descend into the plains in the spring. They pass the Rhône, and extend themselves into Provence and Dauphiné. They march towards Noyers and La Charité, with the design to approach Paris. The King sends against them an army, under the command of the Marshal de Cossé, a general of little activity, and who desired not the ruin of the Huguenots. From a fear of confiding his armies to noblemen, whom their elevation, their power, and their animosities, or the great number of their partisans, had rendered suspected by him, the King committed the conduct of it to a general, who, persisting in his ordinary inclination, gave the Huguenots a favorable opportunity to revive. This resolution was also attributed to the policy of the Duke of Anjou, who dreaded that some other general might take away the fruit of his labors and victories. It is pretended that such motives engaged him to inspire the King with suspicions against all the other princes and generals, and to prefer to them a man whom he considered as incapable of gaining any great advantages.

XXXI.

Patrum interim animos, certamen regni ac cupido versabat.

The two armies met in Burgundy; but the princes, being inferior, evaded an engagement.

"The Queen mother, in 1570, had too much penetration not to unravel the manœuvres of the Marshals de Cossé and Damville. She informed the King of them, and persuaded him to listen to propositions of accommodation. She perceived that the passions and the perfidy of these grandees might throw the state into the greatest dangers, if the war was continued. She was still more determined by the news which she received from

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Germany, where the Prince Casimir began to raise troops in favor of the Huguenots. The finances were exhausted to such a degree, that they knew not where to find funds to pay the Swiss and Italian troops, to whom they owed large arrears. In short, they wished for peace; and were weary of a war which held all men's minds in perpetual alarm, which reduced a great part of the people to beggary, and which cost the state so many men and so much money. The King held, with the Queen mother, the Duke of Anjou, and the Cardinal of Lorraine, councils, in which they resolved to return to the project already so many times formed and abandoned, *to grant peace to the Huguenots, to deliver the kingdom from foreign troops, and finally to employ artifice and take advantage of favorable conjunctures to take off the chiefs of the party, which they thought would yield of itself infallibly, as soon as it should see itself deprived of the support of its leaders.* It was thus that the court would have substituted *craft* instead of *force*, to execute a design, which the obstinacy of the Huguenots, or the want of fidelity in those who commanded armies, had always defeated, when recourse had been only to arms."

With such dark and horrid views were overtures of peace made, and conditions concluded. The Princes and Admiral, still diffident and distrustful, retire to Rochelle. The King endeavors to gain their confidence. To this end, he proposes to give his sister Marguerite in marriage to the Prince of Navarre, and to make war in Flanders upon the Spaniards. The marriage is resolved on, and all the chiefs of the Huguenots come to court. The Queen of Navarre is poisoned. After her death the marriage is celebrated, during the feasts of which, Admiral Coligni is wounded by an assassin. The King takes the resolution that, as in extreme cases it is imprudence to do things by halves, the Huguenots should be exterminated. The night between the twenty-third and the twenty-fourth of August, 1572, a Sunday called Saint Bartholomew's Day, the Admiral is massacred, and almost all the other Calvinists are cut in pieces in Paris, and in several other cities in the kingdom.

Such, in nations where there is not a fixed and known constitution, or where there is a constitution without an effectual balance, are the tragical effects of emulation, jealousies, and rivalries, — destruction to all the leaders, poverty, beggary, and

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ruin to the followers. France, after a century of such horrors, found no remedy against them but in absolute monarchy; nor did any nation ever find any remedy against the miseries of such rivalries among the gentlemen, but in despotism, monarchy, or a balanced constitution.* It is not necessary to say, that every despotism and monarchy that ever has existed among men, arose out of such emulations among the principal men; but it may be asserted, with confidence, that this cause alone is sufficient to account for the rise, progress, and establishment of every despotism and monarchy in the four quarters of the globe.

It is not intended, at this time, to pursue any further this instructive though melancholy history, nor to make any comparisons, in detail, between the state of France in 1791, and the condition it was in two or three centuries ago. But, if there are now differences of opinion in religion, morals, government, and philosophy; if there are parties and leaders of parties; if there are emulations; if there are rivalries and rivals;—is there any better provision made by the constitution to balance them now, than formerly? If there is not, what is the reason? Who is the cause? All the thunders of heaven, although a *Paratonnere*

* France has tried another experiment, more tragical to all Europe, as well as to herself, as we see in the history of Napoleon, in 1813. Similar causes have produced similar effects, and always will. J. A.

Since this note was written, France has been passing through a wholly new series of experiments, the last of which does not by any means appear yet to have been reached. Mindful, apparently, of the general idea inculcated so strongly by the author, of the formidable nature of an ancient aristocracy, the revolutionary party, under Robespierre, directed their efforts, and not without some success, to an utter extirpation of the class. Napoleon's effort to raise up a substitute, which would, with time, have been attended with substantial results, lost, with his own fall, its chance of attaining a fixed position in the popular mind. And the labors of the restored Bourbons, to unite the fragments of the old and the new system into one, and to make this an element of a constitutional system of orders, by calling it a branch of the legislative department, after the English model, failed from the want of any adequate foundation in the social organization. The constitutional chamber of peers, under the restoration, represented nothing,— neither wealth, nor birth, nor dignities, nor merit, nor all of these together. It is not surprising, then, that it should have been once more completely wiped out of existence by the revolution of 1848. Never having enjoyed much of the national respect, its fall excited little observation and few regrets.

Yet the brief experience already had of the constitution of 1849, once more attempted to be founded upon that notion of M. Turgot, all his life combated by Mr. Adams, of a simple government, organized in a single legislative chamber and an executive head, again illustrates the ever-reviving nature of the difficulties growing out of unbalanced systems. The statesmen of France have not yet ventured to claim durability for any form of government that has thus far been adopted, after their favorite theory of simplicity, and unity, and centralization.

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had never been invented, would not, in a thousand years, have destroyed so many lives, nor occasioned so much desolation among mankind, as the majority of a legislature, in one uncontrolled assembly, may produce in a single Saint-Bartholomew's Day.* Saint Bartholomew's Days are the natural, necessary, and unavoidable effect and consequence of diversities in opinion, the spirit of party, unchecked passions, emulation, and rivalry, where there is not a power always ready and inclined to throw weights into the lightest scale, to preserve or restore the equilibrium.†

With a view of vindicating republics, commonwealths, and free states from unmerited reproaches, we have detailed these anecdotes from the history of France. With equal propriety, we might have resorted to the history of England, which is full of contests and dissensions of the same sort. There is a morsel of that history, the life and actions of the Protector, Somerset, so remarkably apposite, that it would be worth while to relate it. For the present, however, it must be waved. It is too fashionable with writers to impute such contentions to republican governments, as if they were peculiar to them; whereas, nothing is further from reality. Republican writers themselves have been as often guilty of this mistake, in whom it is an indiscretion, as monarchical writers, in whom it may be thought policy; in both, however, it is an error. We shall mention only two, Machiavel and De Lolme.

In Machiavel's History of Florence, we read: "It is given from above, that in all republics there should be fatal families, who are born for the ruin of them; to the end that in human affairs nothing should be perpetual or quiet." ‡

If, indeed, this were acknowledged to be the will of Heaven, as Machiavel seems to assert, why should we entertain resentments against such families? They are but instruments, and they cannot but answer their end. If they are commissioned from above to be destroying angels, why should we oppose or resist them? As to "the end," there are other causes enough,

* Upon Franklin's authority, the French adopted their government in one assembly.

† The reign of the men of blood soon followed the writing of this, and produced horrors, massacres, drownings, guillotines, and butcheries, much worse than St. Bartholomew's Day. J. A.

‡ Lib. 3.

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which will forever prevent perpetuity or tranquillity, in any great degree, in human affairs. Animal life is a chemical process, and is carried on by unceasing motion. Our bodies and minds, like the heavens, the earth, and the sea, like all animal, vegetable, and mineral nature, like the elements of earth, air, fire, and water, are continually changing. The mutability and mutations of matter, and much more of the intellectual and moral world, are the consequence of laws of nature, not less without our power than beyond our comprehension. While we are thus assured that, in one sense, nothing in human affairs will be perpetual or at rest, we ought to remember, at the same time, that the duration of our lives, the security of our property, the existence of our conveniences, comforts, and pleasures, the repose of private life, and the tranquillity of society, are placed in very great degrees in human power. Equal laws may be ordained and executed; great families, as well as little ones, may be restrained. And that policy is not less pernicious, than that philosophy is false, which represents such families as sent by Heaven to be judgments. It is not true in fact. On the contrary, they are sent to be blessings; and they are blessings, until, by our own obstinate ignorance and imprudence, in refusing to establish such institutions as will make them always blessings, we turn them into curses.

There are evils, it is true, which attend them as well as other human blessings, even government, liberty, virtue, and religion. It is the province of philosophy and policy to increase the good and lessen the evil that attends them as much as possible. But it is not surely the way, either to increase the good or lessen the evil which accompanies such families, to represent them to the people as machines, as rods, as scourges, as blind and mechanical instruments in the hands of divine vengeance, unmixed with benevolence. Nor has it any good tendency or effect, to endeavor to render them unpopular; to make them objects of hatred, malice, jealousy, envy, or revenge to the common people. The way of wisdom to happiness is to make mankind more friendly to each other. The existence of such men or families is not their fault. They created not themselves. We, the plebeians, find them the workmanship of God and nature, like ourselves. The constitution of nature, and the course of Providence, has produced them as well as us; and

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they and we must live together; it depends on ourselves, indeed, whether it shall be in peace, love, and friendship, or in war or hatred. Nor are they reasonably the objects of censure or aversion, of resentment, envy, or hatred, for the gifts of fortune, any more than for those of nature. Conspicuous birth is no more in a man's power to avoid than to obtain. Hereditary riches are no more a reproach than they are a merit. A paternal estate is neither a virtue nor a fault. He must, nevertheless, be a novice in this world, who does not know that these gifts of fortune are advantages in society and life, which confer influence, popularity, and power. The distinction that is made between the gifts of nature and those of fortune appears to be not well founded. It is fortune which confers beauty and strength, which are called qualities of nature, as much as birth and hereditary wealth, which are called accidents of fortune; and, on the other hand, it is nature which confers these favors as really as stature and agility.

Narrow and illiberal sentiments are not peculiar to the rich or the poor. If the vulgar have found a Machiavel to give countenance to their malignity, by his contracted and illiberal exclamations against illustrious families as the curse of Heaven, the rich and the noble have not unfrequently produced sordid instances of individuals among themselves, who have adopted and propagated an opinion, that God hates the poor, and that poverty and misery on earth are inflicted by Providence in its wrath and displeasure. This noble philosophy is surely as shallow and as execrable as the other plebeian philosophy of Machiavel; but it is countenanced by at least as many of the phenomena of the world. Let both be discarded, as the reproach of human understanding, and a disgrace to human nature. Let the rich and the poor unite in the bands of mutual affection, be mutually sensible of each other's ignorance, weakness, and error, and unite in concerting measures for their mutual defence against each other's vices and follies, by supporting an impartial mediator.

That ingenious Genevan, to whom the English nation is indebted for a more intelligible explanation of their own constitution, than any that has been ever published by their own Acherly or Bacon, Bolingbroke or Blackstone, has quoted this passage of Machiavel, and applied it, like him, to the dishonor of repub-

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lican governments. De Lolme says: "I cannot avoid transcribing a part of the speech which a citizen of Florence addressed once to the senate. The reader will find in it a kind of abridged story of all republics."[1] He then quotes the passage before cited from Machiavel.

Why should so grave an accusation be brought against republics? If it were well founded, it would be a very serious argument, not only against such forms of government, but against human nature. Families and competitions are the unavoidable consequence of that emulation, which God and nature have implanted in the human heart for the wisest and best purposes, and which the public good, instead of cooling or extinguishing, requires to be directed to honor and virtue, and then nourished, cherished, and cultivated. If such contentions appeared only in republican governments, there would be some color for charging them as a reproach to these forms; but they appear as frequent and as violent in despotisms and monarchies as they do in commonwealths. In all the despotisms of Asia and Africa, in all the monarchies of Europe, there are constant successions of emulation and rivalry, and consequently of contests and dissensions among families. Despotism, which crushes and decapitates, sometimes interrupts their progress, and prevents some of their tragical effects. Monarchies, with their spies, *lettres de cachet*, dungeons, and inquisitions, may do almost as well. But the balance of a free government is more effectual than either, without any of their injustice, caprice, or cruelty. The foregoing examples from the history of France, and a thousand others equally striking which might be added, show that Bourbons and Montmorencis, Guises and Colignis, were as fatal families in that kingdom as the Buondelmonti and Alberti, the Donati and Cerchi, the Ricci and Albizzi, or Medici at Florence.

Instead of throwing false imputations on republican governments; instead of exciting or fomenting a vulgar malignity against the most respectable men and families, let us draw the proper inferences from history and experience; let us lay it down for a certain fact, first, that emulation between individuals, and rivalries among families never can be prevented. Second, let us adopt it as a certain principle, that they ought not to be

[1] *On the Constitution of England*, book ii. c. 1.

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prevented, but directed to virtue, and then stimulated and encouraged by generous applause and honorable rewards. And from these premises let the conclusion be, as it ought to be, that an effectual control be provided in the constitution, to check their excesses and balance their weights. If this conclusion is not drawn, another will follow of itself; the people will be the dupes, and the leaders will worry each other and the people too, till both are weary and ashamed, and from feeling, not from reasoning, set up a master and a despot for a protector. What kind of a protector he will be, may be learned hereafter from Stephen Boetius.*

POSTSCRIPT.

If any one wish to see more of the spirit of rivalry, without reading the great historians of France, he may consult L'Esprit de la Ligue, L'Esprit de la Fronde, and the Memoirs of De Retz and his contemporaries. The history of England is more familiar to Americans; but, without reading many volumes, he may find enough of rivalries in those chapters of Henry's History of Great Britain, which treat of civil and military affairs. If even this study be too grave, he may find in Shakspeare's Historical Plays, especially Henry IV., V., and VI., and Richard III., enough to satisfy him. If the gayety of Falstaff and his associates excite not so much of his laughter as to divert his attention from all serious reflections, he will find, in the efforts of ambition and avarice to obtain their objects, enough of the everlasting pretexts of religion, liberty, love of country, and public good, to disguise them. The unblushing applications to foreign powers, to France, Germany, the Pope, Holland, Scotland, Wales, and Jack Cade, to increase their parties and assist their strength, will excite his indignation, while the blood of the poor cheated people, flowing in torrents on all sides, will afflict his humanity.

The English constitution in that period was not formed. The house of commons was not settled; the authority of the peers was not defined; the prerogatives of the crown were not

* And better still in 1813, from the history of Napoleon, not forgetting Lafayette, Dumouriez, Pichegru; nor Marat, Robespierre, Sieyes, and Talleyrand. Nor should our own country be forgotten. J. A.

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limited. Magna Charta, with all its confirmations and solemnities, was violated at pleasure by kings, nobles, and commons too. The judges held their offices at pleasure. The *habeas corpus* was unknown; and that balance of passions and interests, which alone can give authority to reason, from which results all the security to liberty and the rights of man, was not yet wrought into the English constitution, nor much better understood in England than in France. The unity of the executive power was not established. The national force, in men and money, was not in the king, but in the landholders, with whom the kings were obliged to make alliances, in order to form their armies and fight their enemies, foreign and domestic. Their enemies were generally able to procure an equal number of powerful landholders, with their forces, to assist them, so that all depended on the chance of war.

It has been said, that it is extremely difficult to preserve a balance. This is no more than to say that it is extremely difficult to preserve liberty. To this truth all ages and nations attest. It is so difficult, that the very appearance of it is lost over the whole earth, excepting one island and North America. How long it will be before she returns to her native skies, and leaves the whole human race in slavery, will depend on the intelligence and virtue of the people. A balance, with all its difficulty, must be preserved, or liberty is lost forever. Perhaps a perfect balance, if it ever existed, has not been long maintained in its perfection; yet, such a balance as has been sufficient to liberty, has been supported in some nations for many centuries together; and we must come as near as we can to a perfect equilibrium, or all is lost. When it is once widely departed from, the departure increases rapidly, till the whole is lost. If the people have not understanding and public virtue enough, and will not be persuaded of the necessity of supporting an independent executive authority, an independent senate, and an independent judiciary power, as well as an independent house of representatives, all pretensions to a balance are lost, and with them all hopes of security to our dearest interests, all hopes of liberty.

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NOTES.

A.

(Page 273.)

FROM THE BOSTON SENTINEL, OF FEBRUARY 24, 1813.

PARIS, 20 *December*, 1812.

ABOUT midnight of the eighteenth instant his Majesty the Emperor arrived in this city; and, on Sunday, the twentieth, at noon, being on his throne, surrounded by the imperial princes, the princes grand dignitaries, the cardinals, the ministers, the grand eagles of the Legion of Honor, &c., he received the conservative senate, (composed of about one hundred members, who are all counts of the empire, except a few, who are princes and dukes, and are all appointed by the Emperor,) who were introduced by his Excellency, the Grand Marshal, (Duroc,) and presented by his Serene Highness, the Prince Vice-Grand Elector, (Talleyrand.)

His Excellency, the Count de Lacépède, President of the Senate, addressed his Majesty in these terms: —

SIRE, — The senate hastens to present, at the foot of the throne of your Imperial and Royal Majesty, the homage of its felicitations, upon the happy arrival of your Majesty in the midst of your people.

The absence of your Majesty, Sire, is always a national calamity; your presence is a benefit, which fills with joy and confidence the whole French nation.

Your Imperial and Royal Majesty has laid all the basis of the organization of your vast empire; but there still remain many things for your Majesty to consolidate or to conclude, and the smallest delay in the completion of our institutions is a national calamity.

While your Majesty, Sire, was distant eight hundred leagues from your capital, at the head of your victorious armies, some men, who had escaped from the prisons where your imperial clemency had saved them from the death that they had merited by their past crimes, endeavored to disturb the public order in this great city. They have suffered the penalty of their new attempts.

Happy France, Sire, whose monarchical constitution protects her from the fatal effects of civil discords; from the sanguinary dissensions which party spirit produces; and from the horrible disorders with which revolutions are attended!

The senate, the first council of the Emperor, and whose authority exists only while the monarch requires and puts it in motion, is established for the preserva-

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tion of that monarchy, and of the hereditary succession to your throne in our fourth dynasty.

France and posterity will find it, under all circumstances, faithful to this sacred duty; and all its members will ever be ready to perish in defence of this palladium of the national safety and prosperity.

In the commencement of our ancient dynasties, Sire, we find, on more than one occasion, the monarch directing that a solemn oath should, by anticipation, bind the French of every rank to the heir to the throne; and sometimes, when the age of the young prince permitted, a crown was placed upon his head, as the emblem of his future authority, and the symbol of the perpetuity of the government.

The affection that the whole nation entertains for the King of Rome, proves, Sire, both the attachment of the French to the blood of your Majesty, and that internal sentiment which encourages every citizen, and which shows him, in that august infant, the security of his family, the safeguard of his property, and an invincible obstacle to the intestine divisions, those civil commotions, and those political disorders, which are the greatest scourges that can afflict nations.

Sire, your Majesty has planted the French eagles upon the towers of Moscow. The enemy was unable to put a stop to your success and to counteract your projects, otherwise than by resorting to the terrific resources of despotic governments; by creating deserts upon the whole of his frontiers; by carrying conflagrations into his provinces; and by delivering to the flames his capital, the centre of his riches, and the product of so many ages.

They little knew your Majesty's heart, who thus renewed the barbarous tactics of their savage ancestors. Your Majesty would have willingly renounced trophies that were to cost so much blood, and so many miseries to humanity.

The hasty arrival that we witness, from all the departments of the empire, to join your Majesty's standard, of the numerous soldiers called upon by the *senatus consultum* of September last, is an example of what your Majesty may expect from the zeal, the patriotism, and the warlike ardor of the French, to snatch from the influence of our enemies the different parts of the Continent, and to conquer an honorable and solid peace.

May your Imperial and Royal Majesty, Sire, accept the tribute of acknowledgments of the love and inviolable fidelity of the senate, and of the French people.

THE EMPEROR'S ANSWER.

SENATORS, — What you tell me is very agreeable to me. I have at heart the glory and the power of France. My first wishes are for every thing that can perpetuate interior tranquillity, and forever secure my people from the lacerations of factions and the horrors of anarchy. It is upon those enemies of the welfare of nations, that I have founded, with the consent and love of the French, this throne, to which are henceforth attached the destinies of the country.

Timid and cowardly soldiers lose the independence of nations; but pusillanimous magistrates destroy the empire of the laws, the rights of the throne, and social order itself.

The noblest death would be that of a soldier who perishes in the field of

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honor, if the death of a magistrate, perishing in the defence of the sovereign, of the throne, and of the laws, were not still more glorious.

When I undertook the regeneration of France, I asked of Providence a determinate number of years. We can destroy in a moment; but we cannot rebuild without the assistance of time. What a state most wants is courageous magistrates.

Our fathers had for a rallying word, *The king is dead; long live the king!* These few words contain the principal advantages of monarchy. I believe that I have well studied the disposition that my people have exhibited during the different ages. I have reflected upon what has taken place in the different epochs of our history. I shall continue to do so.

The war that I am carrying on against Russia is a political war. I have made it without animosity. I wished to spare her the calamities that she has inflicted upon herself. I might have armed the greater part of her population against herself, by proclaiming liberty to the slaves. A great number of villages requested me to do so; but, knowing the debasement of that numerous class of the Russian people, I refused to take that measure, which would have devoted many families to death, and to the most horrible torments. My army has suffered losses, but it is owing to the premature inclemency of the season.

I accept of the sentiments that you express to me.

B.

(Page 322.)

3 *March*, 1813.

The contents of the foregoing volume are summarily comprehended in a few sentences in the following

COMMENT

by Napoleon, Emperor of France: —

"On the twentieth of December, 1812, the council of state were conducted into the imperial presence, and presented by His Serene Highness, the Prince Arch-Chancellor of the empire (Cambacères.)

"His Excellency, Count de Fermon, Minister of State, President of the Section of Finance, made an address. To which the Emperor made the following answer: —

"It is to ideology, to that obscure metaphysics, which, searching with subtlety after first causes, wishes to found upon them the legislation of nations, instead of adapting the laws to the knowledge of the human heart and to the lessons of history, that we are to attribute all the calamities that our beloved France has experienced. Those errors necessarily produced the government of the men of blood. Indeed, who proclaimed the principle of insurrection as a duty? Who flattered the people, by proclaiming for them a sovereignty which they were incapable of exercising? Who destroyed the sanctity and the respect to the laws, by making them to depend, not upon the sacred principles of justice, upon

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the nature of things, and upon civil justice, but only upon the will of an assembly of men, composed of men strangers to the knowledge of the civil, criminal, administrative, political, and military laws?

"When we are called to regenerate a state, we must act upon opposite principles. History paints the human heart. It is in history that we are to seek for the advantages and disadvantages of different systems of law. These are the principles of which the council of state of a great empire ought never to lose sight. It ought to add to them a courage equal to every emergency, and like the Presidents Harlay and Molé, be ready to perish in defence of the sovereign, the throne, and the laws."

COMMENT ON THE COMMENT.

Napoleon! Mutato nomine, de te fabula narratur. This book is a prophecy of your empire, before your name was heard!

The political and literary world are much indebted for the invention of the new word IDEOLOGY.

Our English words, Idiocy or Idiotism, express not the force or meaning of it. It is presumed its proper definition is the science of Idiocy. And a very profound, abstruse, and mysterious science it is. You must descend deeper than the divers in the Dunciad to make any discoveries, and after all you will find no bottom. It is the bathos, the theory, the art, the skill of diving and sinking in government. It was taught in the school of folly; but alas! Franklin, Turgot, Rochefoucauld, and Condorcet, under Tom Paine, were the great masters of that academy!

It may be modestly suggested to the Emperor, to coin another word in his new mint, in conformity or analogy with Ideology, and call every constitution of government in France, from 1789 to 1799, an IDEOCRACY.

QUINCY, 6 *December*, 1814.

THIS volume was yesterday returned from Mr. C., who has had it almost a year. The events in Europe, since 3 March, 1813, are remarkable. Napoleon is now in Elba, and Talleyrand at Vienna! Let us read Candide, and Zadig, and Rasselas, and see if there is any thing extravagant in them.

Have not philosophers been as honest, and as mad, as popes, Jesuits, priests, emperors, kings, heroes, conquerors? Has the Inquisition been more cruel than Robespierre, or Marat, or Napoleon?

Man ought to "drop into himself."

The Inquisition is now revived, and the order of the Jesuits is restored. *Sic transit gloria philosophiæ.* Even Gibbon was for restoring the Inquisition! Philosophy is now as distracted as it was in Alexandria during the siege of Jerusalem! And where is our New England bound? To Hartford Convention!

Vide Rasselas, Candide, Zadig, Jenni, Scarmentado, Micromegas, &c.

"Ridendo dicere verum
Quid vetat?"

J. A.

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FOUR LETTERS:

BEING AN

INTERESTING CORRESPONDENCE

BETWEEN THOSE

EMINENTLY DISTINGUISHED CHARACTERS,

JOHN ADAMS,

LATE PRESIDENT OF THE UNITED STATES;

AND

SAMUEL ADAMS,

LATE GOVERNOR OF MASSACHUSETTS,

ON THE IMPORTANT

SUBJECT OF GOVERNMENT.

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EDITOR'S PREFACE.

THE four following letters were collected in 1802, and published in Boston, in a small pamphlet of thirty-two pages, with a title-page and advertisement by an unknown hand, which are here retained. They are all included in this work, as well because they form a part of the published opinions on government of John Adams, as because they show the nature of the difference of sentiment that existed between him and his friend and namesake. This difference is more or less perceptible in the action of the two, from the date of the formation of the Constitution of Massachusetts to the end of their career. Yet it must be after all conceded that it here makes itself felt rather than understood. A few words seem necessary, in order to place it in a clear light before the reader.

The real point of division appears to rest in the views taken of sovereignty. Samuel Adams, by confounding the right, conceded always to belong to a people, of changing or overturning an existing form of civil government, with that more limited one reserved under the form itself, of changing the administering officers, has the air of supposing both equally to mean an ever-present, unlimited, and absolute control of the majority in which the sovereignty resides. Hence it is, that all elective officers, from the highest to the lowest, are considered as holding only "delegated" powers, subject to the direction or control of their principals, whenever these choose to signify their wishes; and the form of government is made equivalent to a qualified democracy. This view has been always entertained by numbers in the United States, and is probably gaining, rather than losing ground, with the passage of time.

John Adams, on his side, whilst equally ready to admit the right of revolution, considers the adoption of any mixed form known in America as at once limiting the exercise of the popular sovereignty within a few specified channels. Hence his definition of a republic, as "a government in which the people have collectively, or by representation, an *essential share* in the sovereignty;" whilst his friend contends that they retain it all. It follows, from the former idea, that the officers constituted to administer the system, are not indiscriminately regarded as representatives, solely because they are elected by the people, and not at all as mere delegates to do their will.[1] A wide distinction is preserved by him between an executive chief and a senate, in whom certain defined powers are vested for a term of years, and vested absolutely, subject only to penalties for

[1] Representation of itself limits the popular sovereignty. Some observations on this subject have been already made in a note to volume iv. of this work, pp. 324 – 326.

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abuse, and a house of representatives possessing the essence of the legislative or organic power, in which sovereignty is maintained to exist,[1] and intended, by the frequent recurrence of elections, to reflect accurately the will of the majority of numbers. There can be no doubt, that John Adams regarded the constitution of the United States as forming a government more properly to be classed among monarchical than among democratic republics, an idea, suggested at the outset by Patrick Henry in America, and by Godwin in England, which has reappeared in some essays of late years. And the truth or falsity of this construction cannot be said, by any means, to be established by the mere half century's experience yet had of the system. For, although in practice the action of the chief magistrate has thus far conformed with tolerable steadiness to the popular wishes, this does not seem to have arisen from any power retained by the people to prevent him, had he inclined otherwise, so much as from the moderate desires of the men who have been elected to the post. It is a remark of M. de Tocqueville, respecting the United States, that there are multitudes who have a limited ambition, but none who cherish one on a very great scale. This may be true now, in the infancy of the country, and yet time may finally bring it under the influence of the general law of human experience elsewhere. Assuming the main check which existed for forty years, the chance of reëlection, to be definitively laid aside, it is not easy to put the finger upon any clause of the constitution which can prevent an evil-disposed president for four years from using the powers vested in him in what way he pleases, without regard to the people's wishes at all. Indeed, it is possible to go a step further, and to venture a doubt whether an adequate restraint can be found against the corrupt as well as despotic use of his authority, — the sale of his patronage, as well as the perversion of his policy. The only tangible remedy, — that by impeachment, — is obviously insufficient, from the absence of all motive to wield a ponderous system of investigation after the offender has lost his power, and when he is no longer of consequence to the state. Of the sluggish nature of this process, experience in cases of inferior magnitude has already furnished enough proof. The evidence necessary to convict an offender would not be likely to accumulate until a large part of his four years of service had expired; and the remainder would probably elapse before it could be obtained. Then would come the election of a successor, with a system in no wise responsible for that which preceded it, and around which new interests would immediately concentrate. What probability is there of the ultimate infliction upon the guilty man, now become a private individual, removed from observation, of any penalty adequate to his crime? But if this reasoning, as to the absence of responsibility, be only partially true, it becomes perfectly plain that, at least in the case of a president confining himself to the use of his legitimate powers in office, however unpalatable that may be, there can be little of sovereignty exercised by the people during his term, or of punishment inflicted afterwards.

The same course of remark may be applied, though with modified force, to the senate. In its original conception, it cannot be regarded as having been strictly

[1] For a confirmation of this view, look back to page 322 of this volume, in the Discourses on Davila, written at the same time with these letters. Also to page 430, in the first letter to Roger Sherman.

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a representative body, or subject to much restraint of the popular will. It is indeed true that the course of things has introduced modifications which render it somewhat sensitive to the condition of public opinion. But the cause is to be found in the aspirations of its members to higher distinction than is given by a place in that assembly, and not in the constitution of the body itself. If we could suppose that no individual had any other object in view than to serve out his six years of public life, it is not easy to see any hold the popular sovereignty has retained upon the senate, which would prevent them from acting precisely as they chose. So strongly has this been felt in practice already, that an effort has been made, attended with partial success, to introduce a point of honor, as a counterpoise to the constitutional provision. But the scrupulous senator who resigns his post, because he will not obey the popular voice which instructs him to do what he disapproves, follows a law which is nowhere to be found laid down for him in the constitution. He could not have been held to any legal or moral responsibility, had he chosen to remain where he was for the rest of his term, and defied the instructing power.

That such were the notions of the limitation of the popular sovereignty entertained by John Adams, there can be no doubt; for they are still further illustrated in a series of three letters, written in 1789, to Roger Sherman of Connecticut, which have not before seen the light. For the sake of completing his own exposition of his system, they are appended to the following correspondence. In these papers, the provisions inserted by him in the constitution of Massachusetts, which were stricken out in the convention, are more particularly defended. They will be found to contain a curious commentary upon the federal constitution, written at the moment of its formation, and a singular mixture of accuracy and error thus far in the predictions made of its operation.

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ADVERTISEMENT.

In fulfilling our engagement, we have the pleasure of presenting to the public the following letters from persons who have been eminently distinguished in the course of the American revolution. At the time they were written, Mr. JOHN ADAMS was Vice-President of the United States, and Mr. SAMUEL ADAMS the Lieutenant-Governor of Massachusetts. They will, then, naturally be considered as expressing the opinions of public men on a great and public question, deeply interesting to every citizen. Had they been earlier communicated, the uncommon agitation of the intervening time, at certain periods, might have given their contents a degree of importance, which the returning tranquillity of the country at this moment may in some measure prevent. We must still believe, notwithstanding, that but few publications can be more attractive of general notice; as well from the elevated station which the authors of them have long maintained in the world, as from the nature and importance of the principles now brought into view, on the merits of which they so widely differ.

We shall not presume to anticipate the judgment of our fellow-citizens throughout the Union on these important letters, by interposing any comments of our own. The names hitherto omitted are supplied; and we trust that no exception will be taken to their being now published, as the spirit of the correspondence would be evidently defective without them. We shall only remark, in justice to Mr. Samuel Adams, that, in the composition of his answers, he was obliged to use the hand of a friend, as he had been long incapable of using his own with facility; and that his replies must be viewed as the extemporaneous production of the moment in which they were written, without his having had an opportunity of giving them a second inspection. This circumstance will, no doubt, be duly appreciated.

The letters now appear in their proper order. What will be the public sense respecting them, we will not pretend to calculate. We must at least hope, for the honor of the community, that the sentiments they contain will not be received with a torpid insensibility or a disgraceful indifference.

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LETTERS.

I.

NEW YORK, 12 September, 1790.

DEAR SIR, — Upon my return from Philadelphia, to which beloved city I have been, for the purpose of getting a house to put my head in next winter, I had the pleasure of receiving your favor of the second of this month. The sight of our old Liberty Hall and of several of our old friends, had brought your venerable idea to my mind, and continued it there a great part of the last week; so that a letter from you, on my arrival, seemed but in continuation. I am much obliged to the "confidential friend" for writing the short letter you dictated, and shall beg a continuance of similar good offices.

Captain Nathaniel Byfield Lyde, whom I know very well, has my hearty good wishes. I shall give your letter and his to the Secretary of the Treasury, the duty of whose department it is to receive and examine all applications of the kind. Applications will probably be made in behalf of the officers who served the last war in the navy, and they will be likely to have the preference to all others. But Captain Lyde's application shall nevertheless be presented, and have a fair chance.

My family, as well as myself, are, I thank God, in good health, and as good spirits as the prospect of a troublesome removal will admit. Mrs. Adams desires her particular regards to your lady and yourself.

What, my old friend, is this world about to become? Is the millennium commencing? Are the kingdoms of it about to be governed by reason? Your Boston town meetings and our Harvard College have set the universe in motion. Every thing will be pulled down. So much seems certain. But what will be built up? Are there any principles of political architecture?

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What are they? Were Voltaire and Rousseau masters of them? Are their disciples acquainted with them? Locke taught them principles of liberty. But I doubt whether they have not yet to learn the principles of government. Will the struggle in Europe be any thing more than a change of impostors and impositions?

With great esteem and sincere affection,

I am, my dear sir, your friend and servant,

JOHN ADAMS.

His Honor, SAMUEL ADAMS, Esq.,
Lieut.-Governor of Mass.

II.

BOSTON, 4 October, 1790.

DEAR SIR, — With pleasure I received your letter of September 12th. And as our good friend, to whom I dictated our last, is yet in town, I have requested of him a second favor.

You ask, — what the world is about to become? and, — is the millennium commencing? I have not studied the prophecies, and cannot even conjecture. The golden age, so finely pictured by poets, I believe has never as yet existed but in their own imaginations. In the earliest periods, when, for the honor of human nature, one should have thought that man had not learnt to be cruel, what scenes of horror have been exhibited in families of some of the best instructors in piety and morals! Even the heart of our first father was grievously wounded at the sight of the murder of one of his sons, perpetrated by the hand of the other. Has mankind since seen the happy age? No, my friend. The same tragedies have been acted on the theatre of the world, the same arts of tormenting have been studied and practised to this day; and even religion and reason united have never succeeded to establish the permanent foundations of political freedom and happiness in the most enlightened countries on the earth.

After a compliment to Boston town meetings and our Harvard College, as having "set the universe in motion," you tell me, — every thing will be pulled down. I think with you, "So much seems certain." But what, say you, will be built up?

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Hay, wood, and stubble, may probably be the materials, till men shall be yet more enlightened and more friendly to each other. "Are there any principles of political architecture?" Undoubtedly. "What are they?" Philosophers, ancient and modern, have laid down different plans, and *all* have thought themselves masters of the true principles. Their disciples have followed them, probably with a blind prejudice, which is always an enemy to truth, and have thereby added fresh fuel to the fire of contention, and increased the political disorder.

Kings have been deposed by aspiring nobles, whose pride could not brook restraint. These have waged everlasting war against the common rights of men. The love of liberty is interwoven in the soul of man, and can never be totally extinguished; and there are certain periods when human patience can no longer endure indignity and oppression. The spark of liberty then kindles into a flame, when the injured people, attentive to the feelings of their just rights, magnanimously contend for their complete restoration. But such contests have too often ended in nothing more than "a change of impostors and impositions." The patriots of Rome put an end to the life of Cæsar, and Rome submitted to a race of tyrants in his stead. Were the people of England free, after they had obliged King John to concede to them their ancient rights and liberties, and promise to govern them according to the old law of the land? Were they free after they had wantonly deposed their Henrys, Edwards, and Richards, to gratify *family pride?* Or, after they had brought their first Charles to the block and banished his family? They were not. The nation was then governed by king, lords, and commons; and its liberties were lost by a strife among three powers, soberly intended to check each other and keep the scales even.

But while we daily see the violence of the human passions controlling the laws of reason and religion, and stifling the very feelings of humanity, can we wonder that in such tumults, little or no regard is had to political checks and balances? And such tumults have always happened within as well as without doors. The best formed constitutions that have yet been contrived by the wit of man, have, and will come to an end; because "the kingdoms of the earth have not been governed by reason." The pride of kings, of nobles, and leaders of the people, who have

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all governed in their turns, have disadjusted the delicate frame, and thrown all into confusion.

What then is to be done? Let divines and philosophers, statesmen and patriots, unite their endeavors to renovate the age, by impressing the minds of men with the importance of educating their *little boys* and *girls;* of inculcating in the minds of youth the fear and love of the Deity and universal philanthropy, and, in subordination to these great principles, the love of their country; of instructing them in the art of self-government, without which they never can act a wise part in the government of societies, great or small; in short, of leading them in the study and practice of the exalted virtues of the Christian system, which will happily tend to subdue the turbulent passions of men, and introduce that golden age, beautifully described in figurative language, — when the wolf shall dwell with the lamb, and the leopard lie down with the kid; the cow and the bear shall feed; their young ones shall lie down together, and the lion shall eat straw like the ox; none shall then hurt or destroy, for the earth shall be full of the knowledge of the Lord. When this millennium shall commence, if there shall be any need of civil government, indulge me in the fancy, that it will be in the republican form, or something better.

I thank you for your countenance to our friend Lyde. Mrs. Adams tells me to remember her to yourself, lady, and connections; and be assured, that I am, sincerely, your friend,

SAMUEL ADAMS.

The Vice-President of the United States.

III.

NEW YORK, 18 October, 1790.

DEAR SIR, — I am thankful to our common friend, as well as to you, for your favor of the fourth, which I received last night. My fears are in unison with yours, that hay, wood, and stubble, will be the materials of the new political buildings in Europe, till men shall be more enlightened and friendly to each other.

You agree, that there are undoubtedly principles of political architecture. But, instead of particularizing any of them, you seem to place all your hopes in the universal, or at least

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more general, prevalence of knowledge and benevolence. I think with you, that knowledge and benevolence ought to be promoted as much as possible; but, despairing of ever seeing them sufficiently general for the security of society, I am for seeking institutions which may supply in some degree the defect. If there were no ignorance, error, or vice, there would be neither principles nor systems of civil or political government.

I am not often satisfied with the opinions of Hume; but in this he seems well founded, that all projects of government, founded in the supposition or expectation of extraordinary degrees of virtue, are evidently chimerical. Nor do I believe it possible, humanly speaking, that men should ever be greatly improved in knowledge or benevolence, without assistance from the principles and system of government.

I am very willing to agree with you in fancying, that in the greatest improvements of society, government will be in the republican form. It is a fixed principle with me, that all good government is and must be republican. But, at the same time, your candor will agree with me, that there is not in lexicography a more fraudulent word. Whenever I use the word *republic* with approbation, I mean a government in which the people have collectively, or by representation, an essential share in the sovereignty. The republican forms of Poland and Venice are much worse, and those of Holland and Bern very little better, than the monarchical form in France before the late revolution. By the republican form, I know you do not mean the plan of Milton, Nedham, or Turgot. For, after a fair trial of its miseries, the simple monarchical form will ever be, as it has ever been, preferred to it by mankind. Are we not, my friend, in danger of rendering the word *republican* unpopular in this country by an indiscreet, indeterminate, and equivocal use of it? The people of England have been obliged to wean themselves from the use of it, by making it unpopular and unfashionable, because they found it was artfully used by some, and simply understood by others, to mean the government of their interregnum parliament. They found they could not wean themselves from that destructive form of government so entirely, as that a mischievous party would not still remain in favor of it, by any other means than by making the words *republic* and *repub-*

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lican unpopular. They have succeeded to such a degree, that, with a vast majority of that nation, a republican is as unamiable as a witch, a blasphemer, a rebel, or a tyrant. If, in this country, the word *republic* should be generally understood, as it is by some, to mean a form of government inconsistent with a mixture of three powers, forming a mutual balance, we may depend upon it that such mischievous effects will be produced by the use of it as will compel the people of America to renounce, detest, and execrate it as the English do. With these explanations, restrictions, and limitations, I agree with you in your love of republican governments, but in no other sense.

With you, I have also the honor most perfectly to harmonize in your sentiments of the humanity and wisdom of promoting education in knowledge, virtue, and benevolence. But I think that these will confirm mankind in the opinion of the necessity of preserving and strengthening the dikes against the ocean, its tides and storms. Human appetites, passions, prejudices, and self-love will never be conquered by benevolence and knowledge alone, introduced by human means. The millennium itself neither supposes nor implies it. All civil government is then to cease, and the Messiah is to reign. That happy and holy state is therefore wholly out of this question. You and I agree in the utility of universal education; but will nations agree in it as fully and extensively as we do, and be at the expense of it? We know, with as much certainty as attends any human knowledge, that they will not. We cannot, therefore, advise the people to depend for their safety, liberty, and security, upon hopes and blessings which we know will not fall to their lot. If we do our duty then to the people, we shall not deceive them, but advise them to depend upon what is in their power and will relieve them.

Philosophers, ancient and modern, do not appear to me to have studied nature, the whole of nature, and nothing but nature. Lycurgus's principle was war and family pride; Solon's was what the people would bear, &c. The best writings of antiquity upon government, those, I mean, of Aristotle, Zeno, and Cicero, are lost. We have human nature, society, and universal history to observe and study, and from these we may draw all the real principles which ought to be regarded. Disci-

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ples will follow their masters, and interested partisans their chieftains; let us like it or not, we cannot help it. But if the true principles can be discovered, and fairly, fully, and impartially laid before the people, the more light increases, the more the reason of them will be seen, and the more disciples they will have. Prejudice, passion, and private interest, which will always mingle in human inquiries, one would think might be enlisted on the side of truth, at least in the greatest number; for certainly the majority are interested in the truth, if they could see to the end of all its consequences. "Kings have been deposed by aspiring nobles." True, and never by any other. "These" (the nobles, I suppose,) "have waged everlasting war against the common rights of men." True, when they have been possessed of the *summa imperii* in one body, without a check. So have the plebeians; so have the people; so have kings; so has human nature, in every shape and combination, and so it ever will. But, on the other hand, the nobles have been essential parties in the preservation of liberty, whenever and wherever it has existed. In Europe, they alone have preserved it against kings and people, wherever it has been preserved; or, at least, with very little assistance from the people. One hideous despotism, as horrid as that of Turkey, would have been the lot of every nation of Europe, if the nobles had not made stands. By nobles, I mean not peculiarly an hereditary nobility, or any particular modification, but the natural and actual aristocracy among mankind. The existence of this you will not deny. You and I have seen four noble families rise up in Boston,—the Crafts, Gores, Dawes, and Austins. These are as really a nobility in our town, as the Howards, Somersets, Berties, &c., in England. Blind, undistinguishing reproaches against the aristocratical part of mankind, a division which nature has made, and we cannot abolish, are neither pious nor benevolent. They are as pernicious as they are false. They serve only to foment prejudice, jealousy, envy, animosity, and malevolence. They serve no ends but those of sophistry, fraud, and the spirit of party. It would not be true, but it would not be more egregiously false, to say that the people have waged everlasting war against the rights of men.

"The love of liberty," you say, "is interwoven in the soul of man." So it is, according to La Fontaine, in that of a wolf;

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and I doubt whether it be much more rational, generous, or social, in one than in the other, until in man it is enlightened by experience, reflection, education, and civil and political institutions, which are at first produced, and constantly supported and improved by a few; that is, by the nobility. The wolf, in the fable, who preferred running in the forest, lean and hungry, to the sleek, plump, and round sides of the dog, because he found the latter was sometimes restrained, had more love of liberty than most men. The numbers of men in all ages have preferred ease, slumber, and good cheer to liberty, when they have been in competition. We must not then depend alone upon the love of liberty in the soul of man for its preservation. Some political institutions must be prepared, to assist this love against its enemies. Without these, the struggle will ever end only in a change of impostors. When the people, who have no property, feel the power in their own hands to determine all questions by a majority, they ever attack those who have property, till the injured men of property lose all patience, and recur to finesse, trick, and stratagem, to outwit those who have too much strength, because they have too many hands to be resisted any other way. Let us be impartial, then, and speak the whole truth. Till we do, we shall never discover all the true principles that are necessary. The multitude, therefore, as well as the nobles, must have a check. This is one principle.

"Were the people of England free, after they had obliged King John to concede to them their ancient rights?" The people never did this. There was no people who pretended to any thing. It was the nobles alone. The people pretended to nothing but to be villains, vassals, and retainers to the king or the nobles. The nobles, I agree, were not free, because all was determined by a majority of their votes, or by arms, not by law. Their feuds deposed their "Henrys, Edwards, and Richards," to gratify lordly ambition, patrician rivalry, and "family pride." But, if they had not been deposed, those kings would have become despots, because the people would not and could not join the nobles in any regular and constitutional opposition to them. They would have become despots, I repeat it, and that by means of the villains, vassals, and retainers aforesaid. It is not family pride, my friend, but family popularity, that does the great mischief, as well as the great good. Pride, in the heart of

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man, is an evil fruit and concomitant of every advantage; of riches, of knowledge, of genius, of talents, of beauty, of strength, of virtue, and even of piety. It is sometimes ridiculous, and often pernicious. But it is even sometimes, and in some degree, useful. But the pride of families would be always and only ridiculous, if it had not family popularity to work with. The attachment and devotion of the people to some families inspires them with pride. As long as gratitude or interest, ambition or avarice, love, hope, or fear, shall be human motives of action, so long will numbers attach themselves to particular families. When the people will, in spite of all that can be said or done, cry a man or a family up to the skies, exaggerate all his talents and virtues, not hear a word of his weakness or faults, follow implicitly his advice, detest every man he hates, adore every man he loves, and knock down all who will not swim down the stream with them, where is your remedy? When a man or family are thus popular, how can you prevent them from being proud? You and I know of instances in which popularity has been a wind, a tide, a whirlwind. The history of all ages and nations is full of such examples.

Popularity, that has great fortune to dazzle; splendid largesses, to excite warm gratitude; sublime, beautiful, and uncommon genius or talents, to produce deep admiration; or any thing to support high hopes and strong fears, will be proud; and its power will be employed to mortify enemies, gratify friends, procure votes, emoluments, and power. Such family popularity ever did, and ever will govern in every nation, in every climate, hot and cold, wet and dry, among civilized and savage people, Christians and Mahometans, Jews and Heathens. Declamation against family pride is a pretty, juvenile exercise, but unworthy of statesmen. They know the evil and danger is too serious to be sported with. The only way, God knows, is to put these families into a hole by themselves, and set two watches upon them; a superior to them all on one side, and the people on the other.

There are a few popular men in the Massachusetts, my friend, who have, I fear, less honor, sincerity, and virtue, than they ought to have. These, if they are not guarded against, may do another mischief. They may excite a party spirit and a mobbish spirit, instead of the spirit of liberty, and produce another

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Wat Tyler's rebellion. They can do no more. But I really think their party language ought not to be countenanced, nor their shibboleths pronounced. The miserable stuff that they utter about the *well-born* is as despicable as themselves. The *ἐυγενεῖς* of the Greeks, the *bien nées* of the French, the *wel-gebohren* of the Germans and Dutch, the *beloved families* of the Creeks, are but a few samples of national expressions of the same thing, for which every nation on earth has a similar expression. One would think that our scribblers were all the sons of redemptioners or transported convicts. They think with Tarquin, "*In novo populo, ubi omnis repentina atque ex virtute nobilitas fit, futurum locum forti ac strenuo viro.*"

Let us be impartial. There is not more of family pride on one side, than of vulgar malignity and popular envy on the other. Popularity in one family raises envy in others. But the popularity of the least deserving will triumph over envy and malignity; while that which is acquired by real merit, will very often be overborne and oppressed by it.

Let us do justice to the people and to the nobles; for nobles there are, as I have before proved, in Boston as well as in Madrid. But to do justice to both, you must establish an arbitrator between them. This is another principle.

It is time that you and I should have some sweet communion together. I do not believe, that we, who have preserved for more than thirty years an uninterrupted friendship, and have so long thought and acted harmoniously together in the worst of times, are now so far asunder in sentiment as some people pretend; in full confidence of which, I have used this freedom, being ever your warm friend.

JOHN ADAMS.

His Honor, SAMUEL ADAMS, Esq.,
Lieut.-Governor of Mass.

IV.

BOSTON, 20 November, 1790.

MY DEAR SIR, — I lately received your letter of the eighteenth of October. The sentiments and observations contained in it demand my attention.

A republic, you tell me, is a government in which "the peo-

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ple have an essential *share* in the sovereignty." Is not the *whole* sovereignty, my friend, essentially in the people? Is not government designed for the welfare and happiness of all the people? and is it not the uncontrollable, essential right of the people to amend and alter, or annul their constitution and frame a new one, whenever they shall think it will better promote their own welfare and happiness to do it? That the sovereignty resides in the people, is a political doctrine which I have never heard an American politician seriously deny. The constitutions of the American States reserve to the people the exercise of the rights of sovereignty, by the annual or biennial elections of their governors, senators, and representatives; and by empowering their own representatives to impeach the greatest officers of the state before the senators, who are also chosen by themselves. *We, the people*, is the style of the federal constitution. They adopted it; and, conformably to it, they delegate the exercise of the powers of government to particular persons, who, after short intervals, resign their powers to the people, and they will reëlect them, or appoint others, as they think fit.

The American legislatures are nicely balanced. They consist of two branches, each having a check upon the determinations of the other. They sit in different chambers, and probably often reason differently in their respective chambers, on the same question. If they disagree in their decisions, by a conference, their reasons and arguments are mutually communicated to each other. Candid explanations tend to bring them to agreement; and then, according to the Massachusetts constitution, the matter is laid before the first magistrate for his revision. He states objections, if he has any, with his reasons, and returns them to the legislators, who, by larger majorities, ultimately decide. Here is a mixture of three powers, founded in the nature of man; calculated to call forth the rational faculties in the great points of legislation into exertion; to cultivate mutual friendship and good humor; and, finally, to enable them to decide, not by the impulse of passion or party prejudice, but by the calm voice of reason, which is the voice of God. In this mixture you may see your "natural and actual aristocracy among mankind," operating among the several powers in legislation, and producing the most happy effects. But the son of an excellent man may never inherit the great qualities of his

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father; this is a common observation, and there are many instances of its truth. Should we not, therefore, conclude that hereditary nobility is a solecism in government? Their lordships' sons or grandsons may be destitute of the faintest feelings of honor or honesty, and yet retain an essential share in the government, by right of inheritance from ancestors, who may have been the minions of ministers, the favorites of mistresses, or men of real and distinguished merit. The same may be said of hereditary kings. Their successors may also become so degenerated and corrupt, as to have neither inclination nor capacity to know the extent and limits of their own powers, nor, consequently, those of others. Such kind of political beings, nobles or kings, possessing hereditary right to essential shares in an equipoised government, are very unfit persons to hold the scales. Having no just conception of the principles of the government, nor of the part which they and their copartners bear in the administration, they run a wild career, destroy the checks and balances, by interfering in each other's departments, till the nation is involved in confusion, and reduced to the danger at least of bloodshed, to remove a tyranny which may ensue. Much safer is it, and much more does it tend to promote the welfare and happiness of society, to fill up the offices of government after the mode prescribed in the American constitutions, by frequent elections of the people. They may, indeed, be deceived in their choice. They sometimes are. But the evil is not incurable; the remedy is always near; they will feel their mistakes and correct them.

I am very willing to agree with you, in thinking that improvements in knowledge and benevolence receive much assistance from the principles and systems of good government. But is it not as true that, without knowledge and benevolence, men would neither have been capable nor disposed to search for the principles or form the system? Should we not, my friend, bear a grateful remembrance of our pious and benevolent ancestors, who early laid plans of education? by which means, wisdom, knowledge, and virtue have been generally diffused among the body of the people, and they have been enabled to form and establish a civil constitution, calculated for the preservation of their rights and liberties. This constitution was evidently founded in the expectation of the further progress and *extraordi-*

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nary degrees of virtue. It enjoins the encouragement of all seminaries of literature, which are the nurseries of virtue, depending upon these for the support of government, rather than titles, splendor, or force. Mr. Hume may call this a "chimerical project." I am far from thinking the people can be deceived, by urging upon them a dependence on the more general prevalence of knowledge and virtue. It is one of the most essential means of further, and still further improvements in society, and of correcting and amending moral sentiments and habits and political institutions; till, "by human means," directed by Divine influence, men shall be prepared for that "happy and holy state," when "the Messiah is to reign."

"It is a fixed principle that all good government is, and must be republican." You have my hearty concurrence; and I believe we are well enough acquainted with each other's ideas to understand what we respectively mean when we "use the word with approbation." The body of the people in this country are not so ignorant as those in England were in the time of the interregnum parliament. They are better educated; they will not easily be prevailed upon to believe that "a republican is as unamiable as a witch, a blasphemer, a rebel, or a tyrant." They are charmed with their own forms of government, in which are admitted a mixture of powers to check the human passions and control them from rushing into exorbitances. So well assured are they that their liberties are best secured by their own frequent and free election of fit persons to be the essential sharers in the administration of their government, and that this form of government is truly *republican;* that the body of the people will not be persuaded nor compelled to "renounce, detest, and execrate" the very word *republican* "as the English do." Their education has "confirmed them in the opinion of the necessity of preserving and strengthening the dikes against the ocean, its tides and storms;" and I think they have made more safe and more durable dikes than the English have done.

We agree in the utility of universal education, but "will nations agree in it as fully and extensively as we do?" Why should they not? It would not be fair to conclude that, because they have not yet been disposed to agree in it, they never will. It is allowed that the present age is more enlightened than former ones. Freedom of inquiry is certainly more encouraged;

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the feelings of humanity have softened the heart; the true principles of civil and religious liberty are better understood; tyranny in all its shapes is more detested; and bigotry, if not still blind, must be mortified to see that she is despised. Such an age may afford at least a flattering expectation that nations, as well as individuals, will view the utility of *universal education* in so strong a light, as to induce sufficient national patronage and support. Future ages will probably be more enlightened than this.

The love of liberty is interwoven in the soul of man. "So it is in that of a wolf." However irrational, ungenerous, and unsocial the love of liberty may be in a rude savage, he is capable of being enlightened by experience, reflection, education, and civil and political institutions. But the nature of the wolf is, and ever will be, confined to running in the forest to satisfy his hunger and his brutal appetites; the dog is inclined, in a very easy way, to seek his living, and fattens his sides from what comes from his master's kitchen. The comparison of La Fontaine is, in my opinion, ungenerous, unnatural, and unjust.

Among the numbers of men, my friend, are to be found not only those who have "preferred ease, slumber, and good cheer, to liberty;" but others, who have eagerly sought after thrones and sceptres, hereditary shares in sovereignty, riches and splendor, titles, stars, garters, crosses, eagles, and many other childish playthings, at the expense of real nobility, without one thought or care for the liberty and happiness of the rest of mankind.

"The people, who have no property, feel the power of governing by a majority, and ever attack those who have property." "The injured men of property recur to finesse, trick, and stratagem to outwit them." True. These may proceed from a lust of domination in *some* of both parties. Be this as it may, it has been known that such deceitful tricks have been practised by some of the rich upon their unsuspecting fellow-citizens, to turn the determination of questions so as to answer their own selfish purposes. To plunder or filch the rights of men, are crimes equally immoral and nefarious, though committed in different manners. Neither of them is confined to the rich or the poor; they are too common among both. The lords, as well as the commons, of Great Britain, by continued large majorities, endeavored by finesse, tricks, and stratagems, as well as threats, to

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prevail on the American colonies to surrender their liberty and property to their disposal. These failing, they attempted to *plunder* our rights by force of arms. We feared their arts more than their arms. Did the members of that hereditary house of lords, who constituted those repeated majorities, then possess the spirit of nobility? Not so, I think. That spirit resided in the *illustrious* minorities in both houses.

But, "by nobles," who have prevented "one hideous despotism, as horrid as that of Turkey, from falling to the lot of every nation of Europe," you mean, "not peculiarly an hereditary nobility, or any particular modification, but the natural and actual aristocracy among mankind;" the existence of which I am not disposed to deny. Where is this aristocracy found? Among men of all ranks and conditions. The cottager may beget a wise son; the noble, a fool. The one is capable of great improvement; the other, not. Education is within the power of men and societies of men. Wise and judicious modes of education, patronized and supported by communities, will draw together the sons of the rich and the poor, among whom it makes no distinction; it will cultivate the natural genius, elevate the soul, excite laudable emulation to excel in knowledge, piety, and benevolence; and, finally, it will reward its patrons and benefactors, by shedding its benign influence on the public mind. Education inures men to thinking and reflection, to reasoning and demonstration. It discovers to them the moral and religious duties they owe to God, their country, and to all mankind. Even savages might, by the means of education, be instructed to frame the best civil and political institutions, with as much skill and ingenuity as they now shape their arrows. Education leads youth to "the study of human nature, society, and universal history," from whence they may "draw all the principles" of political architecture which ought to be regarded. All men are "interested in the truth." Education, by showing them "the end of all its consequences," would induce at least the greatest numbers to enlist on its side. The man of good understanding, who has been well-educated, and improves these advantages, as far as his circumstances will allow, in promoting the happiness of mankind, in my opinion, and I am inclined to think in yours, is indeed "well-born."

It may be "puerile and unworthy of statesmen" to declaim

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against *family pride;* but there is, and always has been, such a ridiculous kind of vanity among men. "Statesmen know the evil and danger is too serious to be sported with." I am content they should be put into one hole, as you propose; but I have some fears that your watchmen on each side will not well agree. When a man can recollect the *virtues* of his ancestors, he certainly has abundantly more solid satisfaction than another who boasts that he sprang from those who were *rich* or *noble*, but never discovers the least degree of virtue or true worth of any kind. "Family popularity," if I mistake not, has its source in family pride. It is, by all means, sought after, that homage may be paid to the name of the title or estate, to supply the want in the possessor of any great or good quality whatsoever. There are *individuals* among men, who study the art of making themselves popular, for the purpose of getting into places of honor and emoluments, and, by these means, of gratifying hereafter the noble passion, "family pride." Others are so enchanted with the music of the sound, that they conceive it to be supreme felicity. This is, indeed, vanity of vanities! and if such deluded men ever come to their senses, they will find it to be vexation of spirit. When they reflect on their own folly and injustice, in having swallowed the breath of applause with avidity and great delight, for merit which they are conscious they never had; and that many, who have been the loudest in sounding their praises, had nothing in view but their own private and selfish interests, it will excite in them the feelings of shame, remorse, and self-contempt. The truly virtuous man and real patriot is satisfied with the approbation of the wise and discerning; he rejoices in the contemplation of the purity of his own intentions, and waits in humble hope for the plaudit of his final judge.

I shall not venture again to trespass on the benevolence of our confidential friend. You will not be sorry. It will afford you relief; for, in common civility, you *must* be at the trouble of reading one's epistles. I hope there will be a time when we may have "sweet communion together." In the interim, let me not lose the benefit of your valuable letters. Adieu.

Believe me, your sincere friend,

SAMUEL ADAMS.

The Vice-President of the United States.

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THREE LETTERS

TO

ROGER SHERMAN,

ON THE

CONSTITUTION OF THE UNITED STATES

I.

RICHMOND HILL, (New York,) 17 July, 1789.

DEAR SIR, — I read over, with pleasure, your observations on the new federal constitution, and am glad to find an opportunity to communicate to you my opinion of some parts of them. It is by a free and amicable intercourse of sentiments, that the friends of our country may hope for such a unanimity of opinion and such a concert of exertions, as may sooner or later produce the blessings of good government.

You say, "it is by some objected that the executive is blended with the legislature, and that those powers ought to be entirely distinct and unconnected. But is not that a gross error in politics? The united wisdom and various interests of a nation should be combined in framing the laws by which all are to be governed and protected, though it should not be convenient to have them executed by the whole legislature. The supreme executive in Great Britain is one branch of the legislature, and has a negative on all the laws; perhaps that is an extreme not to be imitated by a republic; but the negative vested in the president by the new constitution on the acts of congress, and the consequent revision, may be very useful to prevent laws being passed without mature deliberation, and to preserve sta-

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bility in the administration of government; and the concurrence of the senate in the appointment to office will strengthen the hands of the executive, and secure the confidence of the people much better than a select council, and will be less expensive."

Is it, then, "an extreme not to be imitated by a republic," to make the supreme executive a branch of the legislature, and give it a negative on all the laws? If you please, we will examine this position, and see whether it is well founded. In the first place, what is your definition of a republic? Mine is this: *A government whose sovereignty is vested in more than one person.* Governments are divided into *despotisms*, *monarchies*, and *republics*. A despotism is a government in which the three divisions of power, the legislative, executive and judicial, are all vested in one man. A monarchy is a government where the legislative and executive are vested in one man, but the judicial in other men. In all governments the sovereignty is vested in that man or body of men who have the legislative power. In despotisms and monarchies, therefore, the legislative authority being in one man, the sovereignty is in one man. In republics, as the sovereignty, that is, the legislative, is always vested in more than one, it may be vested in as many more as you please. In the United States it might be vested in two persons, or in three millions, or in any other intermediate number; and in every such supposable case the government would be a republic. In conformity to these ideas, republics have been divided into three species, monarchical, aristocratical, and democratical republics. England is a republic, a monarchical republic it is true, but a republic still; because the sovereignty, which is the legislative power, is vested in more than one man; it is equally divided, indeed, between the one, the few, and the many, or in other words, between the natural division of mankind in society, — the monarchical, the aristocratical, and democratical. It is essential to a monarchical republic, that the supreme executive should be a branch of the legislature, and have a negative on all the laws. I say essential, because if monarchy were not an essential part of the sovereignty, the government would not be a monarchical republic. Your position is therefore clearly and certainly an error, because the practice of Great Britain in making the supreme executive a branch of the legislature, and giving it a negative on all the laws, must be imitated by every monarchical republic.

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I will pause here, if you please; but if you will give me leave, I will write another letter or two upon this subject. Meantime I am, with unalterable friendship, yours.

II.

Dear Sir, — In my letter of yesterday I think it was demonstrated that the English government is a republic, and that the regal negative upon the laws is essential to that republic. Because, without it, that government would not be what it is, a monarchical republic; and, consequently, could not preserve the balance of power between the executive and legislative powers, nor that other balance which is in the legislature, — between the one, the few, and the many; in which two balances the excellence of that form of government must consist.

Let us now inquire, whether the new constitution of the United States is or is not a monarchical republic, like that of Great Britain. The monarchical and the aristocratical power in our constitution, it is true, are not hereditary; but this makes no difference in the nature of the power, in the nature of the balance, or in the name of the species of government. It would make no difference in the power of a judge or justice, or general or admiral, whether his commission were for life or years. His authority during the time it lasted, would be the same whether it were for one year or twenty, or for life, or descendible to his eldest son. The people, the nation, in whom all power resides originally, may delegate their power for one year or for ten years; for years, or for life; or may delegate it in fee simple or fee tail, if I may so express myself; or during good behavior, or at will, or till further orders.

A nation might unanimously create a dictator or a despot, for one year or more, or for life, or for perpetuity with hereditary descent. In such a case, the dictator for one year would as really be a dictator for the time his power lasted, as the other would be whose power was perpetual and descendible. A nation in the same manner might create a simple monarchy for years, life, or perpetuity, and in either case the creature would be equally a simple monarch during the continuance of his power. So the people of England might create king, lords, and

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commons, for a year, or for several years, or for life, and in any of these cases, their government would be a monarchical republic, or, if you will, a limited monarchy, during its continuance, as much as it is now, when the king and nobles are hereditary. They might make their house of commons hereditary too. What the consequence of this would be it is easy to foresee; but it would not in the first moment make any change in the legal power, nor in the name of the government.

Let us now consider what our constitution is, and see whether any other name can with propriety be given it, than that of a monarchical republic, or if you will, a limited monarchy. The duration of our president is neither perpetual nor for life; it is only for four years; but his power during those four years is much greater than that of an avoyer, a consul, a podestà, a doge, a stadtholder; nay, than a king of Poland; nay, than a king of Sparta. I know of no first magistrate in any republican government, excepting England and Neuchatel, who possesses a constitutional dignity, authority, and power comparable to his. The power of sending and receiving ambassadors, of raising and commanding armies and navies, of nominating and appointing and commissioning all officers, of managing the treasures, the internal and external affairs of the nation; nay, the whole executive power, coextensive with the legislative power, is vested in him, and he has the right, and his is the duty, to take care that the laws be faithfully executed. These rights and duties, these prerogatives and dignities, are so transcendent that they must naturally and necessarily excite in the nation all the jealousy, envy, fears, apprehensions, and opposition, that are so constantly observed in England against the crown.[1]

That these powers are necessary, I readily admit. That the laws cannot be executed without them; that the lives, liberties, properties and characters of the citizens cannot be secure without their protection, is most clear. But it is equally certain, I think, that they ought to have been still greater, or much less. The limitations upon them in the cases of war, treaties, and appointments to office, and especially the limitation on the pre-

[1] M. de Tocqueville has taken a similar view of the President's powers: —

"Le président des États-Unis possède des prérogatives presque royales, dont il n'a pas l'occasion de se servir; et les droits dont jusqu'à présent il peut user sont très circonscrits; *les lois lui permettent d'être fort, les circonstances le maintiennent foible.*" *De la Démocratie en Amérique*, vol. i. chap. 8.

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sident's independence as a branch of the legislative, will be the destruction of this constitution, and involve us in anarchy, if not amended. I shall pass over all particulars for the present, except the last; because that is now the point in dispute between you and me. Longitude, and the philosopher's stone, have not been sought with more earnestness by philosophers than a guardian of the laws has been studied by legislators from Plato to Montesquieu; but every project has been found to be no better than committing the lamb to the custody of the wolf, except that one which is called a *balance of power*. A simple sovereignty in one, a few, or many, has no balance, and therefore no laws. A divided sovereignty without a balance, or in other words, where the division is unequal, is always at war, and consequently has no laws. In our constitution the sovereignty,—that is, the legislative power,—is divided into three branches. The house and senate are equal, but the third branch, though essential, is not equal. The president must pass judgment upon every law; but in some cases his judgment may be overruled. These cases will be such as attack his constitutional power; it is, therefore, certain he has not equal power to defend himself, or the constitution, or the judicial power, as the senate and house have.

Power naturally grows. Why? Because human passions are insatiable. But that power alone can grow which already is too great; that which is unchecked; that which has no equal power to control it. The legislative power, in our constitution, is greater than the executive; it will, therefore, encroach, because both aristocratical and democratical passions are insatiable. The legislative power will increase, the executive will diminish. In the legislature, the monarchical power is not equal either to the aristocratical or democratical; it will, therefore, decrease, while the other will increase. Indeed, I think the aristocratical power is greater than either the monarchical or democratical. That will, therefore, swallow up the other two.

In my letter of yesterday, I think it was proved, that a republic might make the supreme executive an integral part of the legislature. In this, it is equally demonstrated, as I think, that our constitution ought to be amended by a decisive adoption of that expedient. If you do not forbid me, I shall write to you again.

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III.

Dear Sir, — There is a sense and degree in which the executive, in our constitution, is blended with the legislature. The president has the power of suspending a law; of giving the two houses an opportunity to pause, to think, to collect themselves, to reconsider a rash step of a majority. He has a right to urge all his reasons against it, by speech or message; which, becoming public, is an appeal to the nation. But the rational objection here is, not that the executive is blended with the legislature, but that it is not enough blended; that it is not incorporated with it, and made an essential part of it. If it were an integral part of it, it might negative a law without much noise, speculation, or confusion among the people. But as it now stands, I beg you to consider it is almost impossible, that a president should ever have the courage to make use of his partial negative. What a situation would a president be in to maintain a controversy against a majority of both houses before a tribunal of the public? To put a stop to a law that more than half the senate and house, and consequently, we may suppose more than half the nation, have set their hearts upon?[1] It is, moreover, possible, that more than two thirds of the nation, the senate, and house, may, in times of calamity, distress, misfortune, and ill success of the measures of government, from the momentary passion and enthusiasm, demand a law which will wholly subvert the constitution. The constitution of Athens was overturned in such a manner by Aristides himself. The constitution should guard against a possibility of its subversion; but we may take stronger ground, and assert that it is probable such cases will happen, and that the constitution will, in fact, be subverted in this way. Nay, I go further, and say, that from the constitution of human nature, and the constant course of human affairs, it is certain that our constitution will be subverted, if not amended, and that in a very short time, merely for want of a decisive negative in the executive.

There is another sense and another degree in which the exe-

[1] Thus far, this has not been found so difficult as was here predicted. But it must be admitted that the occasions in which the negative has been exercised, were not of a kind in which the popular passions are greatly excited.

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cutive is blended with the legislature, which is liable to great and just objection; which excites alarms, jealousies, and apprehensions, in a very great degree. I mean, 1st, the negative of the senate upon appointments to office; 2d. the negative of the senate upon treaties; and 3d. the negative of the two houses upon war. I shall confine myself, at present, to the first. The negative of the senate upon appointments is liable to the following objections: —

1. It takes away, or, at least, it lessens the responsibility of the executive. Our constitution obliges me to say, that it lessens the responsibility of the president. The blame of an injudicious, weak, or wicked appointment, is shared so much between him and the senate, that his part of it will be too small. Who can censure him, without censuring the senate, and the legislatures who appoint them? All their friends will be interested to vindicate the president, in order to screen them from censure. Besides, if an impeachment against an officer is brought before them, are they not interested to acquit him, lest some part of the odium of his guilt should fall upon them, who advised to his appointment?

2. It turns the minds and attention of the people to the senate, a branch of the legislature, in executive matters. It interests another branch of the legislature in the management of the executive. It divides the people between the executive and the senate; whereas, all the people ought to be united to watch the executive, to oppose its encroachments, and resist its ambition. Senators and representatives, and their constituents, in short, the aristocratical and democratical divisions of society ought to be united on all occasions to oppose the executive or the monarchical branch, when it attempts to overleap its limits. But how can this union be effected, when the aristocratical branch has pledged its reputation to the executive, by consenting to an appointment?

3. It has a natural tendency to excite ambition in the senate. An active, ardent spirit, who is rich and able, and has a great reputation and influence, will be solicited by candidates for office. Not to introduce the idea of bribery, because, though it certainly would force itself in, in other countries, and will probably here, when we grow populous and rich, it is not yet to be dreaded, I hope, ambition must come in already. A senator of great influ-

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ence will be naturally ambitious and desirous of increasing his influence. Will he not be under a temptation to use his influence with the president as well as his brother senators, to appoint persons to office in the several states, who will exert themselves in elections, to get out his enemies or opposers, both in senate and house of representatives, and to get in his friends, perhaps his instruments? Suppose a senator to aim at the treasury office for himself, his brother, father, or son. Suppose him to aim at the president's chair, or vice-president's, at the next election, or at the office of war, foreign, or domestic affairs. Will he not naturally be tempted to make use of his whole patronage, his whole influence, in advising to appointments, both with president and senators, to get such persons nominated as will exert themselves in elections of president, vice-president, senators, and house of representatives, to increase his interest and promote his views? In this point of view, I am very apprehensive that this defect in our constitution will have an unhappy tendency to introduce corruption of the grossest kinds, both of ambition and avarice, into all our elections, and this will be the worst of poisons to our constitution. It will not only destroy the present form of government, but render it almost impossible to substitute in its place any free government, even a better limited-monarchy, or any other than a despotism or a simple monarchy.

4. To avoid the evil under the last head, it will be in danger of dividing the continent into two or three nations, a case that presents no prospect but of perpetual war.

5. This negative on appointments is in danger of involving the senate in reproach, censure, obloquy, and suspicion, without doing any good. Will the senate use their negative or not? If not, why should they have it? Many will censure them for not using it; many will ridicule them, and call them servile, &c. If they do use it, the very first instance of it will expose the senators to the resentment of not only the disappointed candidate and all his friends, but of the president and all his friends, and these will be most of the officers of government, through the nation.

6. We shall very soon have parties formed; a court and country party, and these parties will have names given them. One party in the house of representatives will support the presi-

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dent and his measures and ministers; the other will oppose them. A similar party will be in the senate; these parties will study with all their arts, perhaps with intrigue, perhaps with corruption, at every election to increase their own friends and diminish their opposers. Suppose such parties formed in the senate, and then consider what factious divisions we shall have there upon every nomination.

7. The senate have not time. The convention and Indian treaties.[1]

You are of opinion "that the concurrence of the senate in the appointments to office, will strengthen the hands of the executive, and secure the confidence of the people, much better than a select council, and will be less expensive."

But in every one of these ideas, I have the misfortune to differ from you.

It will weaken the hands of the executive, by lessening the obligation, gratitude, and attachment of the candidate to the president, by dividing his attachment between the executive and legislative, which are natural enemies. Officers of government, instead of having a single eye and undivided attachment to the executive branch, as they ought to have, consistent with law and the constitution, will be constantly tempted to be factious with their factious patrons in the senate. The president's own officers, in a thousand instances, will oppose his just and constitutional exertions, and screen themselves under the wings of their patrons and party in the legislature.[2] Nor will it secure the confidence of the people. The people will have more confidence in the executive, in executive matters, than in the senate. The people will be constantly jealous of factious schemes in the senators to unduly influence the executive, to serve each other's private views. The people will also be jealous that the influence of the senate will be employed to conceal, connive at, and defend guilt in executive officers, instead of being a guard and watch upon them, and a terror to them. A council, selected by the president himself, at his pleasure, from among the senators, representatives, and nation at large, would be purely responsible. In that case, the senate would be a terror to privy counsellors;

[1] This seems to be an imperfect sentence. The sense is explained at the close of the letter.

[2] A singular prediction of what actually happened, afterwards, to himself.

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its honor would never be pledged to support any measure or instrument of the executive beyond justice, law, and the constitution. Nor would a privy council be more expensive. The whole senate must now deliberate on every appointment, and if they ever find time for it, you will find that a great deal of time will be required and consumed in this service. Then, the president might have a constant executive council; now, he has none.

I said, under the seventh head, that the senate would not have time. You will find that the whole business of this government will be infinitely delayed by this negative of the senate on treaties and appointments. Indian treaties and consular conventions have been already waiting for months, and the senate have not been able to find a moment of time to attend to them; and this evil must constantly increase. So that the senate must be constantly sitting, and must be paid as long as they sit. . .

But I have tired your patience. Is there any truth in these broken hints and crude surmises, or not? To me they appear well founded and very important.

I am, with usual affection, yours,

JOHN ADAMS.

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THE first letter of Roger Sherman, which occasioned this correspondence, has not been found. But his replies, giving the views entertained on his side, of the disputed provisions of the constitution, are sufficiently interesting to merit insertion.

ROGER SHERMAN TO JOHN ADAMS.

I.

NEW YORK, 20 July, 1789.

SIR,— I was honored with your letters of the seventeenth and eighteenth instant, and am much obliged to you for the observations they contain.

The subject of government is an important one, and necessary to be well understood by the citizens, and especially by the legislators of these states. I shall be happy to receive further light on the subject, and to have any errors that I may have entertained corrected.

I find that writers on government differ in their definition of a *republic*. Entick's Dictionary defines it, — "*A commonwealth without a king*." I find you do not agree to the negative part of his definition. What I meant by it was, a government under the authority of the people, consisting of legislative, executive, and judiciary powers; the legislative powers vested in an assembly, consisting of one or more branches, who, together with the executive, are appointed by the people, and dependent on them for continuance, by periodical elections, agreeably to an established constitution; and that what especially denominates it a *republic* is its dependence on the *public* or *people at large*, without any hereditary powers. But it is not of so much importance by what appellation the government is distinguished, as to have it well constituted to secure the rights, and advance the happiness of the community.

I fully agree with you, sir, that it is optional with the people of a state to establish any form of government they please; to vest the powers in *one*, a *few*, or *many*, and for a limited or unli-

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mited time; and the individuals of the state will be bound to yield obedience to such government while it continues; but I am also of opinion, that they may alter their frame of government when they please, any former act of theirs, however explicit, to the contrary notwithstanding.

But what I principally have in view, is to submit to your consideration the reasons that have inclined me to think that the qualified negative given to the executive by our constitution is better than an absolute negative. In Great Britain, where there are the rights of the nobility as well as the rights of the common people to support, it may be necessary that the crown should have a complete negative to preserve the balance; but in a republic like ours, wherein is no higher rank than that of common citizens, unless distinguished by appointments to office, what occasion can there be for such a balance? It is true that some men in every society have natural and acquired abilities superior to others, and greater wealth. Yet these give them no legal claim to offices in preference to others, but will doubtless give them some degree of influence, and justly, when they are men of integrity; and may procure them appointments to places of trust in the government. Yet, they having only the same common rights with the other citizens, what competition of interests can there be to require a balance? Besides, while the real estates are divisible among all the children, or other kindred in equal degree, and entails are not admitted, it will operate as an agrarian law, and the influence arising from great estates in a few hands or families will not exist to such a degree of extent or duration as to form a system, or have any great effect.

In order to trace moral effects to their causes, and *vice versa*, it is necessary to attend to principles as they operate on men's minds. Can it be expected that a chief magistrate of a free and enlightened people, on whom he depends for his election and continuance in office, would give his negative to a law passed by the other two branches of the legislature, if he had power? But the qualified negative given to the executive by our constitution, which is only to produce a revision, will probably be exercised on proper occasions; and the legislature have the benefit of the president's reasons in their further deliberations on the subject, and if a sufficient number of the members

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of either house should be convinced by them to put a negative upon the bill, it would add weight to the president's opinion, and render it more satisfactory to the people. But if two thirds of the members of each house, after considering the reasons offered by the President, should adhere to their former opinion, will not that be the most safe foundation to rest the decision upon? On the whole, it appears to me that the *power* of a complete negative, if given, would be a dormant and useless one, and that the provision in the constitution is calculated to operate with proper weight, and will produce beneficial effects.

The negative vested in the crown of Great Britain has never been exercised since the Revolution, and the great influence of the crown in the legislature of that nation is derived from another source, that of appointment to all offices of honor and profit, which has rendered the power of the crown nearly absolute; so that the nation is in fact governed by the cabinet council, who are the creatures of the crown.[1] The consent of parliament is necessary to give sanction to their measures, and this they easily obtain by the influence aforesaid. If they should carry their points so far as directly to affect personal liberty or private property, the people would be alarmed and oppose their progress; but this forms no part of their system, the principal object of which is *revenue*, which they have carried to an enormous height. Wherever the chief magistrate may appoint to offices without control, his government may become absolute, or at least aggressive; therefore the concurrence of the senate is made requisite by our constitution.

I have not time or room to add or apologize.

[1] This seems but a superficial view at best. The negative of the crown has gone out of use, because the custom has grown up of conceding the control of the administrative power to the majority which controls the legislature. So long as this construction shall prevail, there can never be a serious collision. But in America there is no such connection between the executive and the legislative departments as to render harmony certain, or even likely, always to happen. The negative, therefore, seems an indispensable instrument of self-protection in cases of conflict. Practically, however, the qualified negative of the president has thus far proved equivalent to an absolute veto.

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II.

I RECEIVED your letter of the twentieth instant. I had in mine, of the same date, communicated to you my ideas on that part of the constitution, limiting the president's power of negativing the acts of the legislature; and just hinted some thoughts on the propriety of the provision made for the appointment to offices, which I esteem to be a power nearly as important as legislation.

If that was vested in the president alone, he might, were it not for his periodical election by the people, render himself despotic. It was a saying of one of the kings of England, that while the king could appoint the bishops and judges, he might have what religion and law he pleased.

It appears to me the senate is the most important branch in the government, for aiding and supporting the executive, securing the rights of the individual states, the government of the United States, and the liberties of the people. The executive magistrate is to execute the laws. The senate, being a branch of the legislature, will naturally incline to have them duly executed, and, therefore, will advise to such appointments as will best attain that end. From the knowledge of the people in the several states, they can give the best information as to who are qualified for office; and though they will, as you justly observe, in some degree lessen his responsibility, yet their advice may enable him to make such judicious appointments, as to render responsibility less necessary. The senators being eligible by the legislatures of the several states, and dependent on them for reëlection, will be vigilant in supporting their rights against infringement by the legislature or executive of the United States; and the government of the Union being federal, and instituted by the several states for the advancement of their interests, they may be considered as so many pillars to support it, and, by the exercise of the state governments, peace and good order may be preserved in places most remote from the seat of the federal government, as well as at the centre. And the municipal and federal rights of the people at large will be regarded by the senate, they being elected by the immediate representatives of the people, and their rights will be best secured by a due execution of the laws. What temptation can

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the senate be under to partiality in the trial of officers of whom they had a voice in the appointment? Can they be disposed to favor a person who has violated his trust and their confidence?

The other evils you mention, that may result from this power, appear to me but barely possible. The senators will doubtless be in general some of the most respectable citizens in the states for wisdom and probity, superior to mean and unworthy conduct, and instead of undue influence, to procure appointments for themselves or their friends, they will consider that a fair and upright conduct will have the best tendency to preserve the confidence of the people and of the states. They will be disposed to be diffident in recommending their friends and kindred, lest they should be suspected of partiality; and the other members will feel the same kind of reluctance, lest they should be thought unduly to favor a person, because related to a member of their body; so that their friends and relations would not stand so good a chance for appointment to offices, according to their merit, as others.

The senate is a convenient body to advise the president, from the smallness of its numbers. And I think the laws would be better framed and more duly administered, if the executive and judiciary officers were in general members of the legislature, in case there should be no interference as to the time of attending to their several duties. This I have learned by experience in the government in which I live, and by observation of others differently constituted. I see no principles in our constitution that have any tendency to aristocracy, which, if I understand the term, is a government by nobles, independent of the people, which cannot take place, in either respect, without a total subversion of the constitution. As both branches of Congress are eligible from the citizens at large, and wealth is not a requisite qualification, both will commonly be composed of members of similar circumstances in life. And I see no reason why the several branches of the government should not maintain the most perfect harmony, their powers being all directed to one end, the advancement of the public good.

If the president alone was vested with the power of appointing all officers, and was left to select a council for himself, he would be liable to be deceived by flatterers and pretenders to

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patriotism, who would have no motive but their own emolument. They would wish to extend the powers of the executive to increase their own importance; and, however upright he might be in his intentions, there would be great danger of his being misled, even to the subversion of the constitution, or, at least, to introduce such evils as to interrupt the harmony of the government, and deprive him of the confidence of the people.

But I have said enough upon these speculative points, which nothing but experience can reduce to a certainty.

I am, with great respect,

Your obliged humble servant,

ROGER SHERMAN.

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LETTERS

TO

JOHN TAYLOR,

OF

CAROLINE, VIRGINIA,

IN REPLY TO HIS

STRICTURES

ON

SOME PARTS OF THE DEFENCE

OF THE

AMERICAN CONSTITUTIONS.

J. A.

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EDITOR'S PREFACE.

THE treatises on the principles of Government, written by Mr. Adams, appeared at a time of great popular agitation in Europe and the United States, and furnished ready materials for use in the political contentions of the day. They were immediately attacked in the American newspapers and in pamphlets, as intended to subvert, instead of sustaining the republican forms already established, and to introduce the English system of hereditary orders, — a monarch and a house of lords. Although there is no just foundation for this charge, yet there can be no doubt that the tendency of the reasoning was all of it calculated to resist the current setting at the moment with great force towards unlimited democracy. The French revolution first roused this power, nor did it seriously decline, until the popular excesses to which it led awakened the minds of men to a sense of the dangers of the one, not less than of the other extreme. The writings of Mr. Adams, which had been directed to the same end, were then tacitly admitted to have force in them, even by many whose feelings and sympathies led them to regret that it was not otherwise. The popular impression had been made, from his opposition to the new theory of liberty, that he favored the old one of absolutism, and it became fixed by the circumstances attending the struggle at the close of the century, in which Mr. Adams's position identified him with the success or failure of that party in the country supposed to hold the only conservative opinions.

It was perfectly natural, that, in violent party times, the sentiments and the language of the author, seldom guardedly expressed, should be subjected to all sorts of perversion and misrepresentation. Though fully sensible of this, and keenly alive to it, it does not appear that he ever took any steps to correct the impressions sought to be produced in the public mind. It was not until the publication, in 1814, by John Taylor of Caroline, Virginia, of an elaborate volume of six hundred and fifty pages, entitled "An Inquiry into the Principles and Policy of the Government of the United States," and containing a running Commentary upon the *Defence*, that he was roused to make any reply. Mr. Taylor had been in the senate at the time he presided over that body; had subsequently led the opposition in the Virginia House of Delegates to his administration, by moving the celebrated resolutions of 1798, drawn up by Mr. Madison; and had always shown himself a conscientious and manly, though an earnest opponent of his theories of government and system of policy. It was Mr. Taylor's book, then, though he frankly admitted his own disbelief that anybody ever would read it through, that Mr. Adams selected as the medium of a general reply to the strictures which had been made upon his own. Mr. Taylor's work, the

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result of the reflections of twenty years, is marked with the characteristics of the Virginia school to which he belonged; the tendency to metaphysical niceties of speculation, the absence of a broad, logical grasp of statesmanship, and the love for technical distinctions without the corrective of extensive generalization. Occasionally he deals forcibly with a single proposition; but his conclusions are seldom the logical sequence of his premises. Especially does he fail as a controversialist, from his loose manner of performing an obligation of the first necessity to an adversary, the full and fair exposition of each doctrine which he means to contest. That this error proceeds from no evil intention, is clear enough from the perfectly unexceptionable temper in which he conducts his cause. It seems rather to be attributed to a want of early moral and intellectual discipline, the only broad foundation of accuracy of reasoning in later life. This defect makes itself frequently apparent in his ascription to Mr. Adams of propositions which are rather the result of violent inference than of his language. The object of the reply seems to be to expose this, which it does with success.

These letters appear to have been sent to Mr. Taylor, as they were written. They were copied, not into the general letter-book, but upon separate sheets of paper and stitched together as one work. Either they terminated abruptly, or the copy was not completed. The former is the most probable, as the writer shows signs of fatigue towards the end. Evidently intended as his last explanations of his meaning in the most disputed portions of his system, they seem necessary to the completeness of the present collection, and are therefore inserted.

At first blush, it would not seem difficult for any one to comprehend the distinction between the equality of mankind in natural and moral rights at the moment of birth, and the inequality of condition, apart from the agency of positive law, always developed, wherever any advanced form of civilization is attained, and in some regular proportion to the degree of advancement. There can be little doubt that this inequality of external condition is much more marked in the old states now than it was at the beginning of the Revolution, notwithstanding the general acknowledgment of the equality of natural rights which was procured through that struggle. Yet the reluctance to admit this distinction as sound seems to have been the cause of much of the misconception of the author's meaning. It must be conceded that he shares, perhaps, too little, in that hopefulness in the rapid improvement of the human race which makes so striking and so agreeable a feature in the speculations of writers of the present age. He deals with the realities of life as he finds them depicted in history and in his own experience. Yet, it is to be observed, that the latest advocates of speculative democracy, assuming them to be what he describes them, seek refuge from them in the doctrines of socialism, the only resource which would seem to be left open. And it yet remains to be seen, how far these doctrines will recommend themselves to the judgment of the nations in the nineteenth century.

The relations between Mr. Taylor and the author seem rather to have become more intimate than to have relaxed by reason of this correspondence, until they terminated in the remarkable letter of the eighth of April, 1824, which will be found in its place in the general correspondence.

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LETTERS.

TO JOHN TAYLOR.

I.

QUINCY, 15 April, 1814.

SIR, — I have received your *Inquiry* in a large volume neatly bound. Though I have not read it in course, yet, upon an application to it of the *Sortes Virgilianæ*, scarce a page has been found in which my name is not mentioned, and some public sentiment or expression of mine examined. Revived as these subjects are, in this manner, in the recollection of the public, after an oblivion of so many years, by a gentleman of your high rank, ample fortune, learned education, and powerful connections, I flatter myself it will not be thought improper in me to solicit your attention to a few explanations and justifications of a book that has been misunderstood, misrepresented, and abused, more than any other, except the Bible, that I have ever read.

In the first words of the first section, you say, "Mr. Adams's political system deduces government from a *natural* fate; the policy of the United States deduces it from *moral* liberty."

This sentence, I must acknowledge, passes all my understanding. I know not what is meant by fate, nor what distinction there is, or may be made or conceived, between a natural and artificial, or unnatural fate. Nor do I well know what "*moral liberty*" signifies. I have read a great deal about the words *fate* and *chance;* but though I close my eyes to abstract my meditations, I never could conceive any idea of either. When an action or event happens or occurs without a cause, some say it happens by chance. This is equivalent to saying that chance is no cause at all; it is nothing. Fate, too, is no

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cause, no agent, no power; it has neither understanding, will, affections, liberty, nor choice; it has no existence; it is not even a figment of imagination; it is a mere invention of a word without a meaning; it is a nonentity; it is nothing. Mr. Adams most certainly never deduced any system from chance or fate, natural, artificial, or unnatural.

Liberty, according to my metaphysics, is an intellectual quality; an attribute that belongs not to fate nor chance. Neither possesses it, neither is capable of it. There is nothing moral or immoral in the idea of it. The definition of it is a self-determining power in an intellectual agent. It implies thought and choice and power; it can elect between objects, indifferent in point of morality, neither morally good nor morally evil. If the substance in which this quality, attribute, adjective, call it what you will, exists, has a moral sense, a conscience, a moral faculty; if it can distinguish between moral good and moral evil, and has power to choose the former and refuse the latter, it can, if it will, choose the evil and reject the good, as we see in experience it very often does.

"Mr. Adams's system," and "the policy of the United States," are drawn from the same sources, deduced from the same principles, wrought into the same frame; indeed, they are the same, and ought never to have been divided or separated; much less set in opposition to each other, as they have been.

That we may more clearly see how these hints apply, certain technical terms must be defined.

1. Despotism. A sovereignty unlimited, that is, — the *suprema lex*, the *summa potestatis* in one. This has rarely, if ever, existed but in theory.

2. Monarchy. Sovereignty in one, variously limited.

3. Aristocracy. Sovereignty in a few.

4. Democracy. Sovereignty in the many, that is, in the whole nation, the whole body, assemblage, congregation, or if you are an Episcopalian, you may call it, if you please, *church*, of the whole people. This sovereignty must, in all cases, be exerted or exercised by the whole people assembled together. This form of government has seldom, if ever, existed but in theory; as rarely, at least, as an unlimited despotism in one individual.

5. The infinite variety of mixed governments are all so many

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different combinations, modifications, and intermixtures of the second, third, and fourth species or divisions.

Now, every one of these sovereigns possesses intellectual liberty to act for the public good or not. Being men, they have all what Dr. Rush calls a *moral faculty;* Dr. Hutcheson, a *moral sense;* and the Bible and the generality of the world, *a conscience.* They are all, therefore, under moral obligations to do to others as they would have others *do to them;* to consider themselves born, authorized, empowered for the good of society as well as their own good. Despots, monarchs, aristocrats, democrats, holding such high trusts, are under the most solemn and the most sacred moral obligations, to consider their trusts and their power to be instituted for the benefit and happiness of their nations, not their nations as servants to them or their friends or parties. In other words, to exert all their intellectual liberty to employ all their faculties, talents, and power for the public, general, universal good of their nations, not for their own separate good, or the interest of any party.

In this point of view, there is no difference in forms of government. All of them, and all men concerned in them, — all are under equal moral obligations. The intellectual liberty of aristocracies and democracies can be exerted only by votes, and ascertained only by ayes and noes. The sovereign judgment and will can be determined, known, and declared, only by majorities. This will, this decision, is sometimes determined by a single vote; often by two or three; very rarely by a large majority; scarcely ever by a unanimous suffrage. And from the impossibility of keeping together at all times the same number of voters, the majorities are apt to waver from day to day, and swing like a pendulum from side to side.

Nevertheless, the minorities have, in all cases, the same intellectual liberty, and are under the same moral obligations as the majorities.

In what manner these theoretical, intellectual liberties have been exercised, and these moral obligations fulfilled, by despots, monarchs, aristocrats, and democrats, is obvious enough in history and in experience. They have all in general conducted themselves alike.

But this investigation is not at present before us.

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II.

It is unnecessary to discuss the nice distinctions, which follow in the first page of your respectable volume, between mind, body, and morals. The essence and substance of mind and body, of soul and body, of spirit and matter, are wholly withheld as yet from our knowledge; from the penetration of our sharpest faculties; from the keenest of our incision knives, the most amplifying of our microscopes. With some of the attributes or qualities of each and of both we are well acquainted. We cannot pretend to improve the essence of either, till we know it. Mr. Adams has never thought "of limiting the improvements or amelioration" of the properties or qualities of either. The definition of matter is,—a dead, inactive, inert substance. That of spirit is,—a living, active substance, sometimes, if not always, intelligent. Morals are no qualities of matter; nor, as far as we know, of simple spirit or simple intelligence. Morals are attributes of spirits *only* when those spirits are *free* as well as intelligent agents, and have consciences or a moral sense, a faculty of discrimination not only between right and wrong, but between good and evil, happiness and misery, pleasure and pain. This freedom of choice and action, united with conscience, necessarily implies a responsibility to a lawgiver and to a law, and has a necessary relation to right and wrong, to happiness and misery.

It is unnecessary for Mr. Adams to allow or disallow the distinctions in this first page to be applicable to his theory. But if he speaks of natural political systems, he certainly comprehends not only all the intellectual and physical powers and qualities of man, but all his moral powers and faculties, all his duties and obligations as a man and a citizen of this world, as well as of the state in which he lives, and every interest, thing, or concern that belongs to him, from his cradle to his grave. This comprehension of all the perfections and imperfections, all the powers and wants of man, is certainly not for the purpose of "*circumscribing the powers of mind.*" But it is to enlarge them, to give them free scope to run, expand, and be glorified.

If you should speak of a natural system of geography, would you not comprehend the whole globe, and even its relations to the sun, moon, and stars? of astronomy, all that the telescope

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has discovered? of chemistry or natural history, all that the microscope has found? of architecture, every thing that can make a building commodious, useful, elegant, graceful, and ornamental?

In the second page, Mr. Adams is totally misunderstood or misrepresented. He has never said, written, or thought, "*that the human mind is able to circumscribe its own powers.*" Nor has he ever asserted or believed that, "*man can ascertain his own moral capacity.*" Nor has he ever "*deduced any consequences from such postulata, or erected any scheme of government*" upon them or either of them.

If mankind have not "agreed upon any form of government," does it follow that there is no natural form of government? and that all forms are equally natural? It might as well be contended that all are equally good, and that the constitution of the Ottoman Empire is as natural, as free, and as good, as that of the United States. If men have not agreed in any system of architecture, will you infer that there are no natural principles of that noble art? If some prefer the Gothic, and others the Grecian models, will you say that both are equally natural, convenient, and elegant? If some prefer the Doric, and others the Corinthian pillars, are the five orders equally beautiful? If "human nature has been perpetually escaping from all forms," will it be inferred that all forms are equally natural? equal for the preservation of liberty?

There is no necessity of "confronting Mr. Adams's opinion, that aristocracy is natural, and therefore unavoidable, with the other, that it is artificial or factitious, and therefore avoidable," because the opinions are both true and perfectly consistent with each other.

By *natural aristocracy*, in general, may be understood those superiorities of influence in society which grow out of the constitution of human nature. By *artificial aristocracy*, those inequalities of weight and superiorities of influence which are created and established by civil laws. Terms must be defined before we can reason. By aristocracy, I understand all those men who can command, influence, or procure more than an average of votes; by an aristocrat, every man who can and will influence one man to vote besides himself. Few men will deny that there is a natural aristocracy of virtues and talents in every

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nation and in every party, in every city and village. Inequalities are a part of the natural history of man.

III.

I believe that none but Helvetius will affirm, that all children are born with equal genius.

None will pretend, that all are born of dispositions exactly alike,—of equal weight; equal strength; equal length; equal delicacy of nerves; equal elasticity of muscles; equal complexions; equal figure, grace, or beauty.

I have seen, in the Hospital of Foundlings, the "*Enfans Trouvés*," at Paris, fifty babes in one room;—all under four days old; all in cradles alike; all nursed and attended alike; all dressed alike; all equally neat. I went from one end to the other of the whole row, and attentively observed all their countenances. And I never saw a greater variety, or more striking inequalities, in the streets of Paris or London. Some had every sign of grief, sorrow, and despair; others had joy and gayety in their faces. Some were sinking in the arms of death; others looked as if they might live to fourscore. Some were as ugly and others as beautiful, as children or adults ever are; these were stupid; those sensible. These were all born to equal rights, but to very different fortunes; to very different success and influence in life.

The world would not contain the books, if one should produce all the examples that reading and experience would furnish. One or two permit me to hint.

Will any man say, would Helvetius say, that all men are born equal in strength? Was Hercules no stronger than his neighbors? How many nations, for how many ages, have been governed by his strength, and by the reputation and renown of it by his posterity? If you have lately read Hume, Robertson or the Scottish Chiefs, let me ask you, if Sir William Wallace was no more than equal in strength to the average of Scotchmen? and whether Wallace could have done what he did without that extraordinary strength?

Will Helvetius or Rousseau say that all men and women are born equal in beauty? Will any philosopher say, that beauty

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has no influence in human society? If he does, let him read the histories of Eve, Judith, Helen, the fair Gabrielle, Diana of Poitiers, Pompadour, Du Barry, Susanna, Abigail, Lady Hamilton, Mrs. Clark, and a million others. Are not despots, monarchs, aristocrats, and democrats, equally liable to be seduced by beauty to confer favors and influence suffrages?

Socrates calls beauty a short-lived tyranny; Plato, *the privilege of nature;* Theophrastus, a mute eloquence; Diogenes, the best letter of recommendation; Carneades, a queen without soldiers; Theocritus, a serpent covered with flowers; Bion, a good that does not belong to the possessor, because it is impossible to give ourselves beauty, or to preserve it. Madame du Barry expressed the philosophy of Carneades in more laconic language, when she said, "*La véritable royauté, c'est la beauté,*"— the genuine royalty is beauty. And she might have said with equal truth, that it is genuine aristocracy; for it has as much influence in one form of government as in any other; and produces aristocracy in the deepest democracy that ever was known or imagined, as infallibly as in any other form of government. What shall we say to all these philosophers, male and female? Is not beauty a privilege granted by nature, according to Plato and to truth, often more influential in society, and even upon laws and government, than stars, garters, crosses, eagles, golden fleeces, or any hereditary titles or other distinctions? The grave elders were not proof against the charms of Susanna. The Grecian sages wondered not at the Trojan war when they saw Helen. Holofernes's guards, when they saw Judith, said, "one such woman let go would deceive the whole earth."

Can you believe, Mr. Taylor, that the brother of such a sister, the father of such a daughter, the husband of such a wife, or even the gallant of such a mistress, would have but one vote in your moral republic? Ingenious,—but not historical, philosophical, or political,—learned, classical, poetical Barlow! I mourn over thy life and thy death. Had truth, instead of popularity and party, been thy object, your pamphlet on privileged orders would have been a very different thing!

That all men are born to equal rights is true. Every being has a right to his own, as clear, as moral, as sacred, as any other being has. This is as indubitable as a moral government in the universe. But to teach that all men are born with equal

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powers and faculties, to equal influence in society, to equal property and advantages through life, is as gross a fraud, as glaring an imposition on the credulity of the people, as ever was practised by monks, by Druids, by Brahmins, by priests of the immortal Lama, or by the self-styled philosophers of the French revolution. For honor's sake, Mr. Taylor, for truth and virtue's sake, let American philosophers and politicians despise it.

Mr. Adams leaves to Homer and Virgil, to Tacitus and Quintilian, to Mahomet and Calvin, to Edwards and Priestley, or, if you will, to Milton's angels reasoning high in pandemonium, all their acute speculations about fate, destiny, foreknowledge absolute, necessity, and predestination. He thinks it problematical, whether there is, or ever will be, more than one Being capable of understanding this vast subject. In his principles of legislation, he has nothing to do with these interminable controversies. He considers men as free, moral, and accountable agents; and he takes men as God has made them. And will Mr. Taylor deny, that God has made some men deaf and some blind, or will he affirm that these will infallibly have as much influence in society, and be able to procure as many votes as any who can see and hear?

Honor the day,[1] and believe me no enemy.

IV.

That aristocracies, both ancient and modern, have been "variable and artificial," as well as natural and unchangeable, Mr. Adams knows as well as Mr. Taylor, and has never denied or doubted. That "they have all proceeded from moral causes," is not so clear, since many of them appear to proceed from physical causes, many from immoral causes, many from pharisaical, jesuitical, and Machiavelian villany; many from sacerdotal and despotic fraud, and as many as all the rest, from democratical dupery, credulity, adulation, corruption, adoration, superstition, and enthusiasm. If all these cannot be regulated by political laws, and controlled, checked, or balanced by constitutional energies, I am willing Mr. Taylor should say of them what

[1] 19 April. The anniversary of the action at Lexington.

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Bishop Burnet said of the hierarchy, or the severest things he can express or imagine.

That nature makes king-bees or queen-bees, I have heard and read. But I never read in any philosopher or political writer, as I remember, that nature makes state-kings and lords of state. Though even this, for aught I know, might be sometimes pretended. I have read of hereditary rights from Adam to Noah; and the divine right of nobility derived from the Dukes of Edom; but those divine rights did not make kings, till holy oil was poured upon their heads from the vial brought down from heaven in her beak, by the Holy Ghost in the person of a dove. If we consult books, Mr. Taylor, we shall find that nonsense, absurdity, and impiety are infinite. Whether "the policy of the United States" has been wisdom or folly, is not the question at present. But it is confidently asserted, without fear of contradiction, that every page and every line Mr. Adams has ever written, was intended to illustrate, to prove, to exhibit, and to demonstrate its wisdom.

The association of "Mr. Adams with Filmer" in the third page, may excite a smile! I give you full credit, Mr. Taylor, for the wit and shrewdness of this remark. It is droll and good-humored. But if ever policy was in diametrical opposition to Filmer, it is that of the United States. If ever writings were opposed to his principles, Mr. Adams's are so opposed. They are as much so as those of Sidney or Locke.

Mr. Adams thanks Mr. Taylor for proposing in the third page to analyze and ascertain the ideas intended to be expressed by the word "aristocracy." This is one of those words which have been abused. It has been employed to signify any thing, every thing, and nothing. Mr. Taylor has read Mr. Locke's chapter "on the abuse of words," which, though it contains nothing but what daily experience exhibits to all mankind, ought, nevertheless, if he had never written any thing else, to secure him immortal gratitude and renown. Without the learning of Luzac, Vanderkemp, Jefferson, or Parsons, Mr. Adams recollects enough of Greek, to remember that "aristocracy" originally signified "the government of the best men."

But who are to be judges of the best men? Who is to make the selection of the best men from the second best? and the third? and the fourth? and so on *ad infinitum?* For good and

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bad are infinitely divisible, like matter. Ay! there's the rub! Despots, monarchs, aristocrats, and democrats have, in all ages hit, at times, upon the best men, in the best sense of the word. But, at other times, and much more frequently, they have all chosen the very worst men; the men who have the most devotedly and the most slavishly flattered their vanity, gratified their most extravagant passions, and promoted their selfish and private views. Without searching volumes, Mr. Taylor, I will tell you in a few words what I mean by an aristocrat, and, consequently, what I mean by aristocracy. By an aristocrat, I mean every man who can command or influence TWO VOTES; ONE BESIDES HIS OWN.

Take the first hundred men you meet in the streets of a city, or on a turnpike road in the country, and constitute them a democratical republic. In my next, you may have some conjectures of what will appear in your new democracy.

V.

WHEN your new democratical republic meets, you will find half a dozen men of independent fortunes; half a dozen, of more eloquence; half a dozen, with more learning; half a dozen, with eloquence, learning, and fortune.

Let me see. We have now four-and-twenty; to these we may add six more, who will have more art, cunning, and intrigue, than learning, eloquence, or fortune. These will infallibly soon unite with the twenty-four. Thus we make thirty. The remaining seventy are composed of farmers, shopkeepers, merchants, tradesmen, and laborers. Now, if each of these thirty can, by any means, influence one vote besides his own, the whole thirty can carry sixty votes, — a decided and uncontrolled majority of the hundred. These thirty I mean by aristocrats; and they will instantly convert your democracy of ONE HUNDRED into an aristocracy of THIRTY.

Take at random, or select with your utmost prudence, one hundred of your most faithful and capable domestics from your own numerous plantations, and make them a democratical republic. You will immediately perceive the same inequalities, and the same democratical republic, in a very few of the first

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sessions, transformed into an aristocratical republic; as complete and perfect an aristocracy as the senate of Rome, and much more so. Some will be beloved and followed, others hated and avoided by their fellows.

It would be easy to quote Greek and Latin, to produce a hundred authorities to show the original signification of the word *aristocracy* and its infinite variations and application in the history of ages. But this would be all waste water. Once for all, I give you notice, that whenever I use the word *aristocrat*, I mean a citizen who can command or govern two votes or more in society, whether by his virtues, his talents, his learning, his loquacity, his taciturnity, his frankness, his reserve, his face, figure, eloquence, grace, air, attitude, movements, wealth, birth, art, address, intrigue, good fellowship, drunkenness, debauchery, fraud, perjury, violence, treachery, pyrrhonism, deism, or atheism; for by every one of these instruments have votes been obtained and will be obtained. You seem to think aristocracy consists altogether in artificial titles, tinsel decorations of stars, garters, ribbons, golden eagles and golden fleeces, crosses and roses and lilies, exclusive privileges, hereditary descents, established by kings or by positive laws of society. No such thing! Aristocracy was, from the beginning, now is, and ever will be, world without end, independent of all these artificial regulations, as really and as efficaciously as with them!

Let me say a word more. Your democratical republic picked in the streets, and your democratical African republic, or your domestic republic, call it which you will, in its first session, will become an aristocratical republic. In the second session it will become an oligarchical republic; because the seventy-four democrats and the twenty-six aristocrats will, by this time, discover that thirteen of the aristocrats can command four votes each; these thirteen will now command the majority, and, consequently, will be sovereign. The thirteen will then be an oligarchy. In the third session, it will be found that among these thirteen oligarchs there are seven, each of whom can command eight votes, equal in all to fifty-six, a decided majority. In the fourth session, it will be found that there are among these seven oligarchs four who can command thirteen votes apiece. The republic then becomes an oligarchy, whose sovereignty is in four individuals. In the fifth session, it will be discovered that two

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of the four can command six-and-twenty votes each. Then two will have the command of the sovereign oligarchy. In the sixth session, there will be a sharp contention between the two which shall have the command of the fifty-two votes. Here will commence the squabble of Danton and Robespierre, of Julius and Pompey, of Anthony and Augustus, of the white rose and the red rose, of Jefferson and Adams, of Burr and Jefferson, of Clinton and Madison, or, if you will, of Napoleon and Alexander.

This, my dear sir, is the history of mankind, past, present, and to come.

VI.

In the third page of your "Inquiry," is an assertion which Mr. Adams has a right to regret, as a gross and egregious misrepresentation. He cannot believe it to have been intentional. He imputes it to haste; to ardor of temper; to defect of memory; to any thing rather than design. It is in these words, — "Mr. Adams asserts, 'that every society naturally produces an order of men, which it is impossible to confine to an equality of RIGHTS.'" This pretended quotation, marked as it is by inverted commas, is totally and absolutely unfounded. No such expression ever fell from his lips; no such language was ever written by his pen; no such principle was ever approved or credited by his understanding, no such sentiment was ever felt without abhorrence in his heart. On the contrary, he has through life asserted the moral equality of all mankind. His system of government, which is the system of Massachusetts, as well as the system of the United States, which are the same as much as an original and a copy are the same, was calculated and framed for the express purpose of securing to all men equal laws and equal rights. Physical inequalities are proclaimed aloud by God Almighty through all his works. Mr. Adams must have been destitúte of senses, not to have perceived them in men from their births to their deaths; and, at the same time, not to have perceived that they were incurable and inevitable, by human wisdom, goodness, or power. All that men can do, is to modify, organize, and arrange the powers of human society, that is to say, the physical strength and force of men, in the best manner to protect, secure, and cherish the moral, which are all the natural rights of mankind.

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The French are very fond of the phrase "social order." The English commonly hear it, or read it with a broad grin. I am not Englishman enough to join in this ridicule. A "social order" there must be, unless we would return to the forests, and assert individual independence in a more absolute sense than Tartars or Arabs, African negroes, or North American Indians, or Samoyedes, or Hottentots have ever conceived.

A beggar said at my father's house, full seventy years ago, "The world is very unequally divided. But I do not wonder at it, nor think much of it. Because I know, that if it were equally divided to-day, in one month there would be as great odds as ever." The beggar's proverb contained as certain and as important truths as any that was ever uttered by the wise men of Greece.

Will Mr. Taylor profess himself a downright leveller? Will he vote for a community of property? or an equal division of property? and a community of wives and women? He must introduce and establish both, before he can reduce all men to an equality of influence. It is, indeed, questionable, whether such laws would not produce greater inequalities than ever were seen in the world. These are not new projects, Mr. Taylor. They are not original inventions, or discoveries of philosophers of the eighteenth century. They were as familiar to Plato as they were to Helvetius or Condorcet. If I were a young man, I should like to write a romance, and send a hero upon his travels through such a levelling community of wives and wealth. It would be very edifying to record his observations on the opinions, principles, customs, institutions, and manners of this democratical republic and such a virtuous and happy age. But a gentleman whose mind is so active, studious, and contemplative as Mr. Taylor's, must easily foresee, that some men must take care of the property of others, or it must perish with its owners; and that some men would have as many wives as Solomon, and others none at all.

See, what is no uncommon sight, a family of six sons. Four of them are prudent, discreet, frugal, and industrious men; the other two are idle and profligate. The father leaves equal portions of his estate to all the six. How long will it be before the two will request the four to purchase their shares? and how long before the purchase money will be spent in sports, gambled

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away at races, or cards, or dice, or billiards, or dissipated at taverns or worse houses? When the two are thus reduced to beggars, will they have as much influence in society as any one of the four?

VII.

Suppose another case, which is not without examples, — a family of six daughters. Four of them are not only beautiful, but serious and discreet women. Two of them are not only ugly, but ill tempered and immodest. Will either of the two have an equal chance with any one of the four to attract the attention of a suitor, and obtain a husband of worth, respectability, and consideration in the world?

Such, and many other natural and acquired and habitual inequalities are visible, and palpable, and audible, every day, in every village, and in every family, in the whole world. The imagination, therefore, of a government, of a democratical republic, in which every man and every woman shall have an equal weight in society, is a chimera. They have all equal rights; but cannot, and ought not to have equal power.

Unhappily, the cases before stated are too often reversed, and four or five out of six sons, are unwise, and only one or two praiseworthy; and four or five out of six daughters, are mere triflers, and only one or two whose "price is above rubies." And may I not ask, whether there are no instances, in which the whole of six sons and daughters are found wanting; and instead of maintaining their single vote, and their independence, become all dependent on others? Nay, there are examples of whole families wasted and totally lost by vice and folly. Can these, while any of them existed, have maintained an equality of consideration in Society, with other families of equal numbers, but of virtuous and considerate characters?

Matrimony, then, Mr. Taylor, I have a right to consider as another source of natural aristocracy.

Will you give me leave to ask you, Mr. Taylor, why you employ the phrase, "political power" in this third page, instead of sovereign power, — the *summa potestatis*, the supreme power, the legislative power, the power from which there is no appeal, but to Heaven, and the *ratio ultima regum et rerum-publicarum?*

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This language would be understood by readers, by scientific people, and by the vulgar. But "political power" is so indefinite, that it belongs to every man who has a vote, and every woman who has a charm. What, Mr. Taylor, is the resemblance of a president or a governor to a monarch? It is the resemblance of Mount Vernon to the Andes; of the Tiber at Washington to the Ganges or Mississippi. A president has the executive power only, and that under severe restrictions, jealous restrictions; and as I am too old to court popularity, I will venture to say, in my opinion, very pernicious restrictions; restrictions that will destroy this constitution before its time. A president has no legislative power; a monarch has it all.

What resemblance has an American senate to a hereditary order? It has a negative upon the laws. In this, it resembles the house of lords in England; but in nothing else. It has no resemblance to any hereditary order. It has no resemblance even to the hereditary descent of lands, tenements, and hereditaments. There is nothing hereditary in it.

And here, Mr. Taylor, permit me to ask you, whether the descent of lands and goods and chattels does not constitute a hereditary order as decidedly as the descent of stars and garters? I will be still bolder. Has not this law of descents constituted the Honorable John Randolph one of a hereditary order, for a time, as clearly as any Montmorenci or Howard, any Julius, any of the Heraclides, or any of the blood of Mahomet, or any of his connections by marriage?

You must allow me twenty years to answer a book that cost you twenty years of meditation to compose.

You must allow me also to ask you a question still nearer home. Your had the honor and felicity to marry the only child of my honest and sincere friend, the Honorable John Penn, of North Carolina. From this marriage, you derived, with an amiable consort, a handsome fortune.

If you complain that this is personal, I confess it, and intend it should be personal, that it might be more striking to you, and to all others who may ever see or hear of our controversy. In return, I give you full leave to ask me any questions relative to myself, my ancestors, my posterity, my natural or political friends. I will answer every question you can ask with the same frankness, candor, and sincerity.

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I will be bolder still, Mr. Taylor. Would Washington have ever been commander of the revolutionary army or president of the United States, if he had not married the rich widow of Mr. Custis? Would Jefferson ever have been president of the United States if he had not married the daughter of Mr. Wales?

I am weary and so are you. Ceremonies avaunt.

VIII.

WHAT shall I say of the "resemblance of our house of representatives to a legislating nation?" It is perhaps a miniature which resembles the original as much as a larger picture would or could. But, sir, let me say, once for all, that as no picture, great or small, no statue, no bust in brass or marble, gold or silver, ever yet perfectly resembled the original, so no representative government ever perfectly represented or resembled the original nation or people.

Is not representation an essential and fundamental departure from democracy? Is not every representative government in the universe an aristocracy? Call it despotism; call it oligarchy; call it aristocracy; call it democracy; call it a mixture ever so complicated; still is it not an aristocracy, in the strictest sense of the word, according to any rational definition of it that can be given? that is, a government OF A FEW, who have the command of two votes, or more than two, over THE MANY, who have only one?

Representation and democracy are a contradiction in terms. Pursue your principles, then, sir; demolish all aristocratical and representative government; divide our continent from St. Croix to Mississippi, into districts not of geographical miles, yards, or feet, but of voters of one hundred men in each. I will not stay to make a mathematical calculation; but put a certain for an uncertain number. Suppose the number of free, sovereign, independent democracies to be eighty thousand. In these assemblies, all questions of war and peace, commerce, &c. &c. &c. are to be discussed and decided. And when and how, and what would be the national result?

I dare not comment upon your book, sir, without quoting your words. You say, in this third page,—

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"Upon this threefold resemblance Mr. Adams has seized, to bring the political system of America within the *pale* of the English system of checks and balances, by following the ANALYSIS OF ANTIQUITY; and, in obedience to THAT AUTHORITY, by modifying our temporary, elective, responsible governors, into monarchs; our senates into aristocratical orders; and our representatives into a *nation* personally exercising the functions of government."

I fear I shall fatigue you with my observations. But it is of no great importance, since this correspondence is intended for your amusement and mine. You are not obliged to read my letters any longer than they amuse you; and I am confident that if my letters were printed, there would not be found six people in the world who would read them with attention. We will then amuse ourselves a little with a few of my remarks.

1. Mr. Adams has seized "upon a threefold resemblance," to "bring the political system of America within the pale of the English system." Figurative language is as dangerous in legislation and jurisprudence as in mathematics. This word PALE is a figure, a metaphor, an emblem, a hieroglyphic. What is a pale? A slice of wood sunk in the ground at one end, to inclose a plat. Here is another figure. A pale, or "the pale," is used to express many pales; enough in number and measure to inclose a very spacious plat, — "the English system of checks and balances." Now, sir, have I brought the system of America within the pale of the English system? What, indeed, had I to do with "the system of America?" America, when my three volumes were printed, had no system but the old confederation. My volumes had nothing in view but the state governments; and, in strict truth, nothing in view, but the state constitution of Massachusetts, — a child, of which I was, right or wrong, the putative father. How, then, is the system of America brought within the English system? In the English system, the executive power is universal, unlimited in all affairs, foreign and domestic, and hereditary to all generations. In the system of America, the executive power is limited, shackled in most matters, foreign and domestic, and so far from being hereditary, it is limited to four years. The cereus, once in its life, blooms at midnight, and for one, two, three, or four hours, glows, with transcendent splendor, then fades and dies. A poet might

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bring this flower within THE PALE of the sun, which shines with equal glory through all ages, seen or unseen by the little animals whose sight is often obscured by clouds, fogs, and vapors, or within the pale of American policy.

2. "BY FOLLOWING THE ANALYSIS OF ANTIQUITY." What is this analysis of antiquity? The one, the few, and the many. And why is this called the "analysis of antiquity," rather than the analysis of modernity? Is there a nation, at this hour of this sixteenth day of June, 1814, on this globe, in which this analysis is not as obvious and undeniable as it ever was in any age or any nation of antiquity? Is there a state in this union, is there a district, a parish, a party, a faction, a sedition, a rebellion, in the world, in which this analysis is not glaring? Should you detect a conspiracy among your domestics, which I hope you will, if it should exist, while I devoutly pray it may never exist, you would find this analysis in its perfection. A *one*, a *few*, and a *many*.

Why, then, sir, do you throw all the odium of this eternal, unchangeable truth upon poor "antiquity?" An ancient might say to a modern, as Nathan said unto David, Thou art the man.

3. "And in obedience to that authority!" What authority? "The authority of antiquity!" And why not the authority of St. Domingo? of the Spanish colonies in America? of the British colonies in America before and since the revolution? of the French revolution and counter-revolutions, from Marat and Robespierre, nay, from Rochefoucauld, Condorcet, and Turgot, to Bonaparte, Talleyrand, and Sieyes, in the last scene of the last act of the tragedy? And why not the authority of every tribe of Indians in America? every nation or tribe of negroes in Africa? Why not in every horde of Arabs, Tartars, Hottentots, Icelanders, Samoyedes, or Kamtschatkans? These are all among my authorities, as well as all antiquity over the whole globe, where men have existed. These authorities are modern enough, and ancient enough, to prove the analysis of the one, the three, and the many, to be universal, and proceeding from natural causes. Which of these authorities, sir, will you deny, contradict, or explain away?

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IX.

OBSERVATION fourth. "By modifying our temporary, elective, responsible governors into monarchs." How have I modified our governors into monarchs? My three volumes were written in defence of the constitution of Massachusetts, against a rude and insolent attack of M. Turgot. This constitution, which existed in my handwriting, made the governor ANNUALLY elective, gave him the executive power, shackled with a council, that I now wish was annihilated, and made him as responsible as any executive power in the United States, or any one of the separate states is to this day. How then are my annual governors modified into hereditary monarchs? my annual elective governors, limited and shackled, even in the exercise of the executive authority, and responsible for all things, modified into hereditary monarchs, possessed of unlimited legislative and executive power, or even only of unlimited executive power, and responsible for nothing?

Observation fifth. By modifying "our senates into aristocratical orders." What is meant by "our senates?" My books had not in contemplation any senate of the United States; for no such senate existed, or was expected by me. M. Turgot's attack was, in reality, on the senate of Massachusetts. That senate was annually elective; had no executive power, positive or negative; was merely an independent branch of the legislative power. How, then, did Mr. Adams modify "our senates into aristocratical orders?" What is the meaning, the definition, the analysis of "aristocratical orders?" My anomalistical friend, and friend of mankind, Horne Tooke, has said, "mankind are not sufficiently aware that words without meaning, or of equivocal meaning, are the everlasting engines of fraud and injustice." This wise saying of my learned friend, is no more than every attentive, thinking, and reflecting mind sees, feels, and laments every day. Yet "mankind are not sufficiently aware." You will charge me here with an aristocratical distinction; with erecting an aristocratical order of thinking men, in contradiction to the democratical order of unthinking men. Well! is there not such a distinction in nature? Are not some children thoughtful and others thoughtless from their earliest years? Among the thoughtful, indeed, there is a distinction.

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Some think for good and others for evil; and this distinction is manifest through life, and shows itself in all the prosperities and all the adversities of human life. Recollect the history of our own dear country for the last fifty years, and the principal, prominent characters in our political drama, and then tell me whether there has not been a very glaring distinction between thoughtful and thoughtless characters, both good and evil! Our governors resemble monarchs in nothing, but in holding, for short periods, the executive power of the laws, under shackles and trammels, that destroy the efficacy of the constitution. Our senates resemble "aristocratical orders" in nothing, but holding for short periods a negative upon the laws, with the addition of a participation in the executive power, in some instances, which mixes the legislative and executive power together, in such a manner as to destroy the efficacy of the constitution. Our national representatives have no more nor less power, that I recollect, than they ought to have.

X.

"WHETHER the terms 'monarchy, aristocracy, and democracy,' or the one, the few, and the many, are only numerical; or characteristic, like the calyx, petal, and stamina of plants; or complicated, with the idea of a balance; they have never yet, singly or collectively, been used to describe a government deduced from good moral principles."

Linnæus is upon my shelf, very near me, but I will not take him down to consult him about calyx, petal, and stamina, because we are not now upon gardening, agriculture, or natural history. Politics and legislation are our present subjects.

I have no clear idea of your distinction between "numerical and characteristic." You say, if I understand you, that no simple or mixed or balanced form of government has ever yet singly or collectively been used to describe a government deduced from good moral principles.

What government, then, ever was deduced from good moral principles? Certainly none. For simple, or mixed, or complicated with a balance, surely comprehend every species of government that ever had a being, or that ever will exist. Because

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imagination cannot conceive of any government besides those of the one, the few, or the many, or such as are compounded of them, whether complicated with the idea of a balance or not. The whole is equal to all its parts, and all the parts are equal to the whole. In a right-angled triangle, the hypothenuse and the two legs comprehend the whole diagram.

Again, how are the United States distinguished from all other governments, or from any other government? What are the GOOD MORAL PRINCIPLES from which the governments of the United States are deduced, which are not common to many other governments? In all that great number and variety of constitutions which the last twenty-five years have produced in France, in Holland, in Geneva, in Spain, we find the most excellent moral principles, precepts, and maxims, and all of them *complicated with the idea of a balance.* We make ourselves popular, Mr. Taylor, by telling our fellow-citizens that we have made discoveries, conceived inventions, and made improvements. We may boast that *we* are the chosen people; we may even thank God that we are not like other men; but, after all, it will be but flattery, and the delusion, the self-deceit of the Pharisee.

Is not the constitution of the United States "complicated with the idea of a balance?" Is there a constitution upon record more complicated with balances than ours? In the first place, eighteen states and some territories are balanced against the national government, whether judiciously or injudiciously, I will not presume at present to conjecture. We have seen some effects of it in some of the middle and some of the southern and western states, under the two first administrations; and we now behold some similar effects of it under the two last. Some genius more prompt and fertile than mine, may infer from a little what a great deal means. In the second place, the house of representatives is balanced against the senate, and the senate against the house. In the third place, the executive authority is, in some degree, balanced against the legislative. In the fourth place, the judiciary power is balanced against the house, the senate, the executive power, and the state governments. In the fifth place, the senate is balanced against the president in all appointments to office, and in all treaties. This, in my opinion, is not merely a useless, but a very pernicious balance. In the

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sixth place, the people hold in their own hands the balance against their own representatives, by biennial, which I wish had been annual elections. In the seventh place, the legislatures of the several states are balanced against the senate by sextennial elections. In the eighth place, the electors are balanced against the people in the choice of the president. And here is a complication and refinement of balances, which, for any thing I recollect, is an invention of our own, and peculiar to us.

The state legislatures can direct the choice of electors by the people at large, or by the people in what districts they please, or by themselves, without consulting the people at all. However, all this complication of machinery, all these wheels within wheels, these *imperia* within *imperiis* have not been sufficient to satisfy the people. They have invented a balance to all balances in their caucuses. We have congressional caucuses, state caucuses, county caucuses, city caucuses, district caucuses, town caucuses, parish caucuses, and Sunday caucuses at church doors; and in these aristocratical caucuses *elections are decided.*

Do you not tremble, Mr. Taylor, with fear, that another balance to all these balances, an over balance of all "moral liberty," and to every moral principle and feeling, may soon be invented and introduced; I mean the balance of corruption? Corruption! Be not surprised, sir. If the spirit of party is corruption, have we not seen much of it already? If the spirit of faction is corruption, have we seen none of that evil spirit? If the spirit of banking is corruption, as you have uniformly proclaimed it to be, ever since I had the honor of your acquaintance, and as your "Arator" and your "Inquiry" everywhere sufficiently demonstrate, have you ever heard or read of any country in which this spirit prevailed to a greater degree than in this? Are you informed of any aristocratical institution by which the property of the many is more manifestly sacrificed to the profit of the few?

Are all these impure spirits "deduced from moral liberty," or are any of them reconcilable to moral principle?

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XI.

In your fourth page, you "are unable to discover in our form of government any resemblance of monarchy, aristocracy, or democracy, as defined by ancient writers, and by Mr. Adams himself."

As these words are technical terms, whose meaning is as well defined, both by ancients and moderns, as the words *point*, *line*, *surface*, or *solid*, in geometry, I shall not turn over volumes to quote authorities in a question of so easy a solution. To avoid misrepresentation, however, I shall explicitly premise that all intelligence, all power, all force, all authority, originally, inherently, necessarily, inseparably, and inalienably resides in the people.

In the language of civilians, the *summa potestatis*, the supreme, sovereign, absolute, and uncontrollable power, is placed by God and nature in the people, and they never can divest themselves of it. All this was truth, before the people themselves, by their own sagacity, or their moral sentiments, or, if you had rather say, by their own simplicity, credulity, and imbecility, began to distinguish the one and the few from their own average and level. For you may depend upon it, the people themselves, by their own observation and experience and feelings, their own sensations and reflections, made these distinctions before kingcraft, priestcraft, or noblecraft had any thing to do with them.

An inevitable consequence of this great truth is another, namely, — that all government, except the simplest and most perfect democracy, is REPRESENTATIVE GOVERNMENT. The simplest despotism, monarchy, or aristocracy, and all the most complicated mixtures of them that ever existed or can be imagined, are mere representatives of the people, and can exist no longer than the people will to support them.

À bas le tyran, à bas le gouvernement, bon ou mauvais, — good, bad, or indifferent, whenever the people decree and proclaim its downfall, it falls.

Is this explicit concession democratical enough? I beg your pardon. I had forgotten for a moment that you do not allow "democracy to be deduced from moral liberty." Let me vary my question then. Do you admit those two great truths to be consistent with "moral liberty" and "the constitution of the United States?"

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But to return, and approach the question, if peradventure we can find it. Scientific definitions are commonly in the abstract merely ideal and intellectual and theoretical. For example,— "point has no parts;" "a line is longitude without latitude;" "a superficies is length and breadth without thickness;" yet, in practice, we can neither see nor feel these points, lines, or surfaces. Thus monarchy is defined to be "a sovereignty in one," that is to say, all the rights, powers, and authorities of a whole nation, committed in trust to a single man, without limitation or restriction. Aristocracy, the same ample and unlimited power, vested in a small number of men. Democracy reserves all these rights, prerogatives, and privileges to the whole nation, and every act of its volition must be determined by a vote.

Now it is manifest, that no such simple government as either of these, ever existed in any nation; no, nor in any city, town, village, nor scarcely in any private social club. To say, then, that a mixed, balanced government can be formed of monarchy, aristocracy, and democracy, in this sense of the words, would be as absurd, as for a Hindoo to say, that the best government would be that of three omniscient and almighty Brahmins, mixed or commixed together and reciprocally balancing each other. Thus far, for what I know, we may be pretty well agreed. But when you say, that, "in our form of government," no resemblance can be discovered of monarchy, aristocracy, or democracy, I beg leave to differ from you.

The Prince of Orange, William V., in a conversation with which he honored me in 1788, was pleased to say, that "he had read our new constitution," and he added, "Monsieur, vous allez avoir un roi, sous le titre de président," which may be translated, "Sir, you have given yourselves a king, under the title of president."

Turgot, Rochefoucauld and Condorcet, Brissot and Robespierre and Mazzei were all offended, that we had given too much eclat to our governors and presidents. It is true, and I rejoice in it, that our presidents, limited as they are, have more power, that is, more executive power, than the stadtholders, the doges, the podestàs, the avoyers, or the archons, or the kings of Lacedæmon or of Poland. To be brief, the general sense of mankind differs from you in opinion, and clearly sees, and fully believes, that our president's office has "some resemblance of monarchy," and God forbid that it should ever be diminished.

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All these monarchical powers, however, "are deduced" in your judgment, "from moral liberty." I agree that they are "deduced" from morality and liberty; but if they had been more deliberately considered and better digested, the morality and liberty would have been better secured, and of longer duration, if the senatorial limitation of them had been omitted.

In my next, we will see if we can discover any resemblance of aristocracy in our form of government.

XII.

You "are unable to discover in our form of government any resemblance of aristocracy."

As every branch of executive authority committed or intrusted exclusively to one, resembles and is properly called a monarchical power, and a government, in proportion as its powers, legislative or executive, are lodged in one, resembles monarchy, so whatever authority or power of making or executing laws is exclusively vested in a few is properly called aristocratical; and a government, in proportion as it is constituted with such powers, resembles aristocracy.

Now, sir, let me ask you, whether you can discover no "resemblance of aristocracy in our form of government?" Are not great, very great, important, and essential powers intrusted to a few, a very few? Thirty-four senators, composed of two senators from each state, are an integral part of the legislature, which is the representative sovereignty of seven or eight millions of the people in the United States. These thirty-four men possess an absolute negative on all the laws of the nation. Nor is this all. These few, these very few, thirty-four citizens only in seven or eight millions, have an absolute negative upon the executive authority in the appointment of all officers in the diplomacy, in the navy, the army, the customs, excises, and revenues. They have, moreover, an absolute negative on all treaties with foreign powers, even with the aboriginal Indians. They are also an absolute judicature in all impeachments, even of the judges. Such are the powers in legislation, in execution, and in judicature, which in our form of government are committed to thirty-four men.

If in all these mighty powers and "exclusive privileges" you

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can "discover no resemblance of aristocracy," when and where did any resemblance of aristocracy exist? The Trigintivirs of Athens and the Decemvirs of Rome, I acknowledge, "resembled aristocracy" still more. But the lords of parliament in England do not resemble it so much. Nor did the nobility in Prussia, Germany, Russia, France, or Spain, possess such powers. The Palatines in Poland indeed!

How are these thirty-four senators appointed? Are they appointed by the people? Is the constitution of them democratical? They are chosen by the legislatures of the several states. And who are the legislatures of these separate states? Are they the people? No. They are a selection of the *best men* among the people, made by the people themselves. That is, they are the very ἄριστοι of the Greeks. Yet there is something more. These legislatures are composed of two bodies, a senate and a house of representatives, each assembly differently constituted, the senate more nearly "resembling aristocracy" than the house. Senators of the United States are chosen, in some states, by a convention of both houses; in others, by separate, independent, but concurrent votes. The senates in the former have great influence, and often turn the vote; in the latter, they have an absolute negative in the choice.

Here are refinements upon refinements of "resemblances of aristocracy," a complication of checks and balances, evidently extended beyond any constitution of government that I can at present recollect. Whether an exact balance has been hit, or whether an exact balance will ever be hit, are different questions. But in this I am clear, that the nearer we approach to an exact balance, the nearer we shall approach to "moral liberty," if I understand the phrase.

We have agreed to be civil and free. In my number thirteen, I will very modestly hint to you my humble opinion of the point where your principal mistake lies.

XIII.

In my last, I ventured to say, that I would hint in this at a principal misconception that had misled you or me. I shall

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submit the question to yourself and to the world, if you or I please, to be decided between us with candor.

You appear to me, in all your writings, to consider hereditary descent as essential to monarchy and aristocracy. When you mention monarchy, monarch, or king, you seem to understand an office and an officer, unlimited in authority, power, and duration. But is this correct in speculation or in language? Everybody knows that the word monarchy has its etymology in the Greek words μόνος and ἀρχη, and signifies *single rule* or *authority in one*. This authority may be limited or unlimited, of temporary or perpetual duration. It may be hereditary, or it may be for life, or it may be for years or only for one year, or for months or for one month, or for days or only for one day. Nevertheless, as far as it extends, and as long as it lasts, it may be called a monarchical authority with great propriety, by any man who is not afraid of a popular clamor and a scurrilous abuse of words. Monarchy, in this view of it, resembles property. A landed estate may be for years, a year, a half a year; or it may be for life, or for two, or three, or any number of lives; or it may be an inheritance to him, his heirs and assigns forever and ever. An estate in an office may be given by law for years, for life, or forever, as well as an estate in land. You or I may possess our houses for years, for life, or in tail, or in fee simple. And where is our title, our security for the possession of our firesides, but in the laws of society? And these laws of society have secured, and will secure to monarchs, to aristocrats, and to democrats such as you and I are, their estates in their offices, as well as in their houses, their lands, or their horses, in the same manner as they protect us asleep in our beds, or when at supper with our families. Mr. Madison has as clear a title to his estate in his office of president for four years, as you have to Hazelwood, to yourself, your heirs, and assigns forever, and by the same laws. Marshall has as good a right as either to his estate for life in his office of chief justice of the United States.

The Romans often conferred on the consuls, in very delicate terms, unlimited power to take care that the republic should suffer no injury. They conferred on Cincinnatus, on Sylla, and on Cæsar, the office of dictator, and the same power on many others, some for limited periods, some without limitation, and on Cæsar I believe for perpetuity. Were not the senates in such

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cases aristocrats or rather oligarchs for their several periods? Were not the dictators monarchs, some for years, some for life? Were they not made by law, in the strictest sense, monarchs, or if you will, despots? What were the kings of Crete or of Sparta? Monarchs, indeed, but how limited, though hereditary! What were the kings of Poland? How limited, and yet for life!

From these hints, I think it is clear, that the idea of hereditary descent is not an essential ingredient in the definition of monarchy or aristocracy; and that to employ those words in all cases, or in any case, as implying hereditary descent, is an abuse of words, and an imposition on vulgar popularity.

I know not how, when, or where, you discovered that Mr. Adams "supposed that monarchy, aristocracy, and democracy, or mixtures of them, constituted all the elements of government." This language is not mine. There is but one element of government, and that is, THE PEOPLE. From this element spring all governments. "For a nation to be free, it is only necessary that she wills it." For a nation to be slave, it is only necessary that she wills it. The governments of Hindostan and China, of Caffraria and Kamtschatka, the empires of Alexander the Macedonian, of Zingis Khan and Napoleon, of Tecumseh and Nimrod Hughes, all have grown out of this element, — THE PEOPLE. This fertile element, however, has never yet produced any other government than monarchy, aristocracy, democracy, and mixtures of them. And pray tell me *how* it can produce any other?

You say by "moral liberty." Will you be so good as to give me a logical, mathematical, or moral, or any other definition of this phrase, "moral liberty;" and to tell me who is to exercise this "liberty;" and by what principle or system of morality it is to be exercised? Is not this liberty and morality to reside in the great and universal element, "THE PEOPLE?" Have they not always resided there? And will they not always reside there?

This moral liberty resides in Hindoos and Mahometans, as well as in Christians; in Cappadocian monarchists, as well as in Athenian democrats; in Shaking Quakers, as well as in the General Assembly of the Presbyterian clergy; in Tartars and Arabs, Negroes and Indians, as well as in the people of the United States of America.

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XIV.

In your fourth page, you give us your opinion, that the moral "efforts of mankind towards political improvement have been restrained and disappointed by the erroneous opinion, that monarchy, aristocracy, and democracy, or mixtures of them, constitute all the elements of government." And you proceed to state, that "it will be an effort of your essay to prove, that the United States have refuted the ancient maxim, that monarchy, aristocracy, and democracy, are the only elements of government."

This phraseology is by no means familiar to me. I know not any writer or speaker who has asserted such a doctrine, or advanced such a maxim. The words *monarchy*, *aristocracy*, and *democracy* are technical terms, invented by learned men, to express three different species of government. So they have invented many others, — *oligarchy*, *ochlocracy*, *mobocracy*, *anarchy*, *jacobinism*, *sans culottism*, *federalism*, *republicanism*, *quiddism*, or *gunarkism*. Any one of these hard words may be called an *element* of government, with as much propriety as any other.

The word "*element*," as you employ it here, is a figure of rhetoric. Can you give — I acknowledge I have not ingenuity enough to invent — a logical or mathematical definition of it?

By "*elements*," do you mean principles? If principles — physical or moral? If physical — I know of no physical principle of government but the bones and sinews, the timbers and ropes of the human body; that is, the mere strength, force, and power of constables, sheriffs, posse comitatus, armies and navies, soldiers and sailors. These elements or principles are applied in all the species of government that have been named, and must be the last resort of all that can be named or conceived. These elements or principles are not peculiar to the United States.

By "*elements*," do you mean moral principles? If so, I know but one principle or element of government, and that is, "Constans et perpetua voluntas jus suum cuique tribuendi," that is, a constant and perpetual disposition and determination to render to every one his right; or, in other words, a constant and perpetual disposition and determination to do to others as we would have others do to us. This is a perfect principle, applicable at

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all times, in all places, among all persons, in all circumstances. Justice, therefore, is the only moral principle or element of government. But how shall justice be done in human society? It can be done only by general laws. These can never comprehend or foresee all the circumstances attending every particular case; and, therefore, it has been found necessary to introduce another principle or element, mercy. In strictness, perfect justice includes mercy, and perfect mercy includes justice. Both together make but one principle or moral element of government. Have you read, heard, or discovered any other moral principle or element of the government of God, angels, or men, than justice and benevolence united?

This principle has been professed by all governments, and all governors, throughout all time and space, with which we are acquainted. By King Theodore and the Emperor Napoleon, by the Prince Regent and Tecumseh.

How then is the government of the United States "planted in moral principles" more than other governments?

That we have conformed our practice to our principles as well, or better, upon the whole, than the majority, or, if you will, than any other nation hitherto, I will not dispute; because the question, decide it as you will, makes no alteration in the argument.

XV.

In this fourth page you say, that "Mr. Adams's system tells us that the art of government can never change." I have said no such thing, Mr. Taylor! I know the art of government has changed, and probably will change, as often as the arts of architecture, painting, sculpture, music, poetry, agriculture, horticulture, medicine; and that is to say, almost as often as the weather or the fashion in dress.

But all these arts are founded in certain general principles of nature, which have never been known to change; and it is the duty of philosophers, legislators, and artists to study these principles; and the nearer they approach to them, the greater perfection will they attain in their arts. There may be principles in nature, not yet observed, that will improve all these arts; and nothing hinders any man from making experiments and pursu-

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ing researches, to investigate such principles and make such improvements. But America has made no discoveries of principles of government that have not been long known. Morality and liberty, and "moral liberty," too, whatever it may mean, have been known from the creation. Cain knew it when he killed Abel, and knew that he violated it.

You say, sir, that I have gravely counted up several victims "of popular rage, as proofs that democracy is more pernicious than monarchy or aristocracy." This is not my doctrine, Mr. Taylor. My opinion is, and always has been, that absolute power intoxicates alike despots, monarchs, aristocrats, and democrats, and jacobins, and *sans culottes*. I cannot say that democracy has been more pernicious, on the whole, than any of the others. Its atrocities have been more transient; those of the others have been more permanent. The history of all ages shows that the caprice, cruelties, and horrors of democracy have soon disgusted, alarmed, and terrified themselves. They soon cry, "this will not do; we have gone too far! We are all in the wrong! We are none of us safe! We must unite in some clever fellow, who can protect us all, — Cæsar, Bonaparte, who you will! Though we distrust, hate, and abhor them all; yet we must submit to one or another of them, stand by him, cry him up to the skies, and swear that he is the greatest, best, and finest man that ever lived!"

It has been my fortune, good or bad, to live in Europe ten years, from 1778 to 1788, in a public character. This destiny, singular in America, forced upon my attention the course of events in France, Holland, Geneva, and Switzerland, among many other nations; and this has irresistibly attracted my thoughts more than has been for my interest. The subject cannot have escaped you. What has been the conduct of the democratic parties in all those nations? How horribly bloody in some! Has it been steady, consistent, uniform, in any? Has it not leaped from democracy to aristocracy, to oligarchy, to military despotism, and back again to monarchy, as often, and as easily, as the birds fly to the lower, the middle, or the upper limbs of a tree, or leap from branch to branch, or hop from spray to spray?

Democracy, nevertheless, must not be disgraced; democracy must not be despised. Democracy must be respected; democracy must be honored; democracy must be cherished; demo-

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cracy must be an essential, an integral part of the sovereignty, and have a control over the whole government, or moral liberty cannot exist, or any other liberty. I have been always grieved by the gross abuses of this respectable word. One party speak of it as the most amiable, venerable, indeed, as the sole object of its adoration; the other, as the sole object of its scorn, abhorrence, and execration. Neither party, in my opinion, know what they say. Some of them care not what they say, provided they can accomplish their own selfish purposes. These ought not to be forgiven.

You triumphantly demand: "What motives of preference between forms of government remain?" Is there no difference between a government of laws and a government of men? Between a government according to fixed laws, concerted by three branches of the legislature, composed of the most experienced men of a nation, established, recorded, promulgated to every individual, as the rule of his conduct, and a government according to the will of one man, or to a vote of a few men, or to a vote of a single assembly, whether of a nation or its representatives?

It is not Mr. Adams's system which can "arrest our efforts or appall our hopes in pursuit of political good." Other causes have obstructed and still embarrass the progress of the science of legislation.

XVI.

In this number I have to hint at some causes which impede the course of investigation in civil and political knowledge. Religion, however, has been so universally associated with government, that it is impossible to separate them in this inquiry.

And where shall I begin, and where end? Shall I begin with the library at Alexandria, and finish with that at Washington, the latter Saracens more ferocious than the former, in proportion as they lived in a more civilized age? Where are the languages of antiquity? all the dialects of the Chaldean tongue? Where is Aristotle's history of eighteen hundred republics, that had existed before his time? Where are Cicero's writings upon

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government? What havoc has been made of books through every century of the Christian era? Where are fifty gospels, condemned as spurious by the bull of Pope Gelasius? Where are the forty wagon-loads of Hebrew manuscripts burned in France, by order of another pope, because suspected of heresy? Remember the *index expurgatorius*, the inquisition, the stake, the axe, the halter, and the guillotine; and, oh! horrible, the rack! This is as bad, if not worse, than a slow fire. Nor should the Lion's Mouth be forgotten.

Have you considered that system of holy lies and pious frauds that has raged and triumphed for fifteen hundred years; and which Chateaubriand appears at this day to believe as sincerely as St. Austin did? Upon this system depend the royalty, loyalty, and allegiance of Europe. The vial of holy oil, with which the Kings of France and England are anointed, is one of the most splendid and important events in all the legends. Do you think that Mr. Adams's system "arrests our efforts and appalls our hopes in pursuit of political good?" His maxim is, study government as you do astronomy, by facts, observations, and experiments; not by the dogmas of lying priests or knavish politicians.

The causes that impede political knowledge would fill a hundred volumes. How can I crowd a few hints at them in a single volume, much less, in a single letter?

Give me leave to select one attempt to improve civil, political, and ecclesiastical knowledge; or, at least, to arrest and retard the progress of ignorance, hypocrisy, and knavery; and the reception it met in the world, tending to "arrest our efforts and appall our hopes." Can you believe that Jesuits conceived this design? Yet true it is.

About the year 1643, Bollandus, a Jesuit, began the great work, the "*Acta Sanctorum.*" Even Jesuits were convinced that impositions upon mankind had gone too far. Henschenius, another Jesuit, assisted him and Papebrock in the labor. The design was to give the lives of the saints, and to distinguish the miracles into the true, the false, and the dubious. They produced forty-seven volumes, in folio, an immense work, which, I believe, has never appeared in America. It was not, I am confident, in the library consumed by Ross, the savage, damned to

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everlasting fame,[1] and I fear it is not in the noble collection of Mr. Jefferson. I wish it was. This was a great effort in favor of truth, and to arrest imposture, though made by Jesuits. But what was their reward? Among the miracles, pronounced by these able men to be true, there are probably millions which you and I should believe no more than we do those related by Paulinus, Athanasius, Basil, Jerome, or Chrysostom, as of their own knowledge.

Now, let us see how this generous effort in favor of truth was received and rewarded. Libels in abundance were printed against it. The authors were cited before the Inquisition in Spain, and the Pope in Italy, as authors of gross errors. The Inquisition pronounced its anathema in 1695. All Europe was in anxious suspense. The Pope, himself, was embarrassed by the interminable controversies excited, and, without deciding any thing, had no way to escape but by prohibiting all writings on the subject.

And what were the errors? They were only doubts.

1. Is it certain that the face of Jesus Christ was painted on the handkerchief of Saint Veronica?

2. Had the Carmelites the prophet Elias for their founder?

These questions set Europe in a flame, and might have roasted Papebrock at an *auto-da-fé*, had he been in Spain.

Such dangers as these might "arrest efforts and appall hopes of political good;" but Mr. Adams's system cannot. That gaping, timid animal, man, dares not read or think. The prejudices, passions, habits, associations, and interests of his fellow-creatures surround him on every side; and if his reading or his thoughts interfere with any of these, he dares not acknowledge it. If he is hardy enough to venture even a hint, persecution, in some form or other, is his certain portion. *Party spirit,— l'esprit du corps,—* sects, factions, which threaten our existence in America at this moment, both in church and state, have "arrested all efforts, and appalled all hopes of political good." Have the Protestants accomplished a thorough reformation? Is there a nation in Europe whose government is purified from monkish knavery? Even in England, is not the vial of holy oil still shown to tra-

[1] The commander of the British troops, when the public buildings at Washington were burned.

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vellers? How long will it be before the head of the Prince Regent, or the head of his daughter, will be anointed with this oil, and the right of impressing seamen from American ships deduced from it?

XVII.

Mr. Adams's system is that of Pope, in his Essay on Criticism: —

> "First follow Nature, and your judgment frame
> By her just standard, which is still the same."

This rule, surely, cannot "arrest our efforts or appall our hopes." Study government as you build ships or construct steam-engines. The steam frigate will not defend New York, if Nature has not been studied, and her principles regarded. And how is the nature of man, and of society, and of government, to be studied or known, but in the history and by the experience of human nature in its terrestrial existence?

But to come nearer home, in search of causes which "arrest our efforts." Here I am, like the woodcutter on Mount Ida, who could not see wood for trees. Mariana wrote a book, *De Regno*, in which he had the temerity to insinuate that kings were instituted for good, and might be deposed if they did nothing but evil. Of course, the book was prohibited, and the writer prosecuted. Harrington wrote his *Oceana*, and other learned and ingenious works, for which he was committed to prison, where he became delirious and died. Sidney wrote discourses on government, for which he was beheaded, though they were only in manuscript, and robbed from his desk. Montesquieu was obliged to fly his country, and wander about Europe for many years; was compelled by the Sorbonne, after his return, to sign a recantation, as humiliating and as sincere as that of Galileo.[1] The chagrin produced by the criticisms and misrepresentations of his writings, and the persecutions he suffered, destroyed his health, and he died in 1755.

[1] It is related of Montesquieu, that he suppressed some passages of his Persian Letters in a new edition, because they had been made by the king an obstacle to his admission to the French Academy. But he answered the Sorbonne without recanting; neither did he travel except from inclination. Voltaire says of him: "Montesquieu fut compté parmi les hommes les plus illustres du dixhuitième siècle, et cependant il ne fut pas persécuté, il ne fut qu'un peu molesté pour ses *Lettres Persanes*."

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These instances, among others without number, are the discouragements which "arrest our efforts and appall our hopes." Nor are these all. Mankind do not love to read any thing upon any theory of government. Very few read any thing but libels. Theoretical books upon government will not sell. Booksellers and printers, far from purchasing the manuscript, will not accept it as a gift. For example, no printer would publish these remarks at his own risk; and if I should print them at mine, they would fall dead from the press. I should never sell ten copies of them. I cannot learn that your Inquiry has had a rapid sale. I fear that you or your printer will be a loser, which I shall regret, because I really wish it could be read by every one who can read. To you, who are rich, this loss is of little moment; but to me, who am poor, such losses would be a dangerous "arrest of efforts," and a melancholy "appall of hopes." Writers, in general, are poor and hungry. Few write for fame. Even the great religionist, moralist, and literator, Johnson, could not compose a sermon for a priest from simple charity. He must have the pleasing hope, the animating contemplation of a guinea, before he could write. By all that I can learn, few rich men ever wrote any thing, from the beginning of the world to this day. You, sir, are a *rara avis in terris*, much to your honor.

But I have not yet enumerated all the discouragements which "arrest our efforts and appall our hopes."

I already feel all the ridicule of hinting at my poor four volumes of "Defence and Discourses on Davila," after quoting Mariana, Harrington, Sidney, and Montesquieu. But I must submit to the imputation of vanity, arrogance, presumption, dotage, or insanity, or what you will. How have my feeble "efforts been arrested, and faint hopes appalled?" Look back upon the pamphlets, the newspapers, the handbills, and above all, upon the circular letters of members of congress to their constituents for four-and-twenty years past, and consider in what manner my writings and myself have been treated. Has it not been enough to "arrest efforts and appall hopes?"

Is it not a damper to any ardor in search of truth, to read the absurd criticism, the stupid observations, the jesuitical subtleties, the studied lies that have been printed concerning my writings, in this my dear, native country, for five-and-twenty years? To

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read the ribaldry of Markoe and Brown, Paine and Callender, four vagabonds from Great Britain? and to see their most profligate effusions applauded and sanctioned by a nation?

In fine, is it not humiliating to see a volume of six or seven hundred pages written by a gentleman of your rank, fortune, learning, genius, and eloquence, in which my system, my sentiments, and my writings, from beginning to end, are totally misunderstood and misrepresented?

After all, I am not dead, like Harrington and Secondat. I have read in a Frenchman, "Je n'ai jamais trop bien compris ce que c'étoit que de mourir de chagrin." And I can say as confidently as he did, "I have never yet very well understood what it was to die of chagrin." Yet I am daily not out of danger of griefs that might put an end to me in a few hours! Nevertheless, I will wait, if I can, for distempers,—the messenger of NATURE, because I have still much curiosity to see what turn will be taken by public affairs in this country and others. Where can we rationally look for the theory or practice of government, but to nature and experiment, unless you appeal to revelation? If you do, I am ready and willing to follow you to that tribunal. I find nothing there inconsistent with my system.

XVIII.

IN your fifth page, you say, "Mr. Adams calls our attention to hundreds of wise and virtuous patricians, mangled and bleeding victims of popular fury, and gravely counts up several victims of democratic rage, as proofs that democracy is more pernicious than monarchy or aristocracy."

Is this fair, sir? Do you deny any one of my facts? I do not say that democracy has been more pernicious on the whole, and in the long run, than monarchy or aristocracy. Democracy has never been and never can be so durable as aristocracy or monarchy; but while it lasts, it is more bloody than either. I beseech you, sir, to recollect the time when my three volumes of "Defence" were written and printed, in 1786, 1787, and 1788. The history of the universe had not then furnished me with a document I have since seen,—an Alphabetical Dictionary of the Names and Qualities of Persons, "Mangled and Bleeding

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Victims of Democratic Rage and Popular Fury" in France, during the Despotism of Democracy in that Country, which Napoleon ought to be immortalized for calling IDEOLOGY. This work is in two printed volumes, in octavo, as large as Johnson's Dictionary, and is in the library of our late and excellent Vice-President, Elbridge Gerry, where I hope it will be preserved with anxious care. An edition of it ought to be printed in America; otherwise it will be forever suppressed. France will never dare look at it. The democrats themselves could not bear the sight of it; they prohibited and suppressed it as far as they could. It contains an immense number of as great and good men as France ever produced. We curse the Inquisition and the Jesuits, and yet the Inquisition and the Jesuits are restored. We curse religiously the memory of Mary, for burning good men in Smithfield, when, if England had then been democratical, she would have burned many more, and we murder many more by the guillotine in the latter years of the eighteenth century. We curse Guy Fawkes for thinking of blowing up Westminster Hall; yet Ross blows up the capitol, the palace, and the library at Washington, and would have done it with the same *sang froid* had congress and the president's family been within the walls. O! my soul! I am weary of these dismal contemplations! When will mankind listen to reason, to *nature*, or to revelation?

You say, I "might have exhibited millions of plebeians sacrificed to the pride, folly, and ambition of monarchy and aristocracy." This is very true. And I might have exhibited as many millions of plebeians sacrificed by the pride, folly, and ambition of their fellow-plebeians and their own, in proportion to the extent and duration of their power. Remember, democracy never lasts long. It soon wastes, exhausts, and murders itself. There never was a democracy yet that did not commit suicide. It is in vain to say that democracy is less vain, less proud, less selfish, less ambitious, or less avaricious than aristocracy or monarchy. It is not true, in fact, and nowhere appears in history. Those passions are the same in all men, under all forms of simple government, and when unchecked, produce the same effects of fraud, violence, and cruelty. When clear prospects are opened before vanity, pride, avarice, or ambition, for their easy gratification, it is hard for the

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most considerate philosophers and the most conscientious moralists to resist the temptation. Individuals have conquered themselves. Nations and large bodies of men, never.

When Solon's balance was destroyed by Aristides, and the preponderance given to the multitude, for which he was rewarded with the title of JUST, when he ought to have been punished with the ostracism, the Athenians grew more and more democratic. I need not enumerate to you the foolish wars into which the people forced their wisest men and ablest generals against their own judgments, by which the state was finally ruined, and Philip and Alexander became their masters.

In proportion as the balance, imperfect and unskilful as it was originally, here as in Athens, inclined more and more to the *dominatio plebis*, the Carthaginians became more and more restless, impatient, enterprising, ambitious, avaricious, and rash, till Hannibal swore eternal hostility to the Romans, and the Romans were compelled to pronounce *delenda est Carthago*.

What can I say of the democracy of France? I dare not write what I think and what I know. Were Brissot, Condorcet, Danton, Robespierre, and Monseigneur Egalité less ambitious than Cæsar, Alexander, or Napoleon? Were Dumouriez, Pichegru, Moreau, less generals, less conquerors, or, in the end, less fortunate than the last was? What was the ambition of this democracy? Nothing less than to propagate itself, its principles, its system, through the world; to decapitate all the kings, destroy all the nobles and priests in Europe. And who were the instruments employed by the mountebanks behind the scene, to accomplish these sublime purposes? The firewomen, the badauds, the stage players, the atheists, the deists, the scribblers for any cause at three livres a day, the Jews, and oh! that I could erase from my memory the learned divines, — profound students in the prophecies, — real philosophers and sincere Christians, in amazing numbers, over all Europe and America, who were hurried away by the torrent of contagious enthusiasm. Democracy is chargeable with all the blood that has been spilled for five-and-twenty years.

Napoleon and all his generals were but creatures of democracy, as really as Rienzi, Theodore, Massaniello, Jack Cade, or Wat Tyler. This democratical hurricane, inundation, earthquake, pestilence, call it which you will, at last aroused and

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alarmed all the world, and produced a combination unexampled, to prevent its further progress.

XIX.

I HOPE my last convinced you that democracy is as restless, as ambitious, as warlike and bloody, as aristocracy or monarchy.

You proceed to say, that I "ought to have placed right before us the effects of these three principles, namely, — democracy, aristocracy, and monarchy, commixed in the wars, rebellions, persecutions, and oppressions of the English form."

Pray, sir, what was the object of my book? I was not writing a history of England, nor of the world. Inattention to this circumstance has been the cause of all the *honest* misapprehensions, misconstructions, and misrepresentations of the whole work. To see at one glance the design of the three volumes, you need only to look at the first page. M. Turgot "was not satisfied with the constitutions which had been formed for the different states of America. By most of them, the customs of England were imitated, without any particular motive. Instead of collecting all authority into one centre, that of the nation, they have established different bodies, — a body of representatives, a council, and a governor, — because there is in England a house of commons, a house of lords, and a king; they endeavor to balance these different powers."

This solemn opinion of M. Turgot, is the object of the whole of the three volumes. M. Turgot had seen only the constitutions of New York, Massachusetts, and Maryland, and the first constitution of Pennsylvania. His principal intention was to censure the three former. From these three the constitution of the United States was afterwards almost entirely drawn.

The drift of my whole work was, to vindicate these three constitutions against the reproaches of that great statesman, philosopher, and really excellent man, whom I well knew, and to defend them against his attacks, and only upon those points on which he had assaulted them. If this fact had been considered, it would have prevented a thousand witticisms and criticisms about the "misnomer," &c.

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The points I had to illustrate and to prove, were, —

1. That the people of Massachusetts, New York, and Maryland were not to blame for instituting governors, councils, (or senates) and houses of representatives.

2. That they were not reprehensible for endeavoring to balance those different powers.

3. That they were to be applauded, not reproached, for not "collecting all authority into one centre, that of the nation," in whatever sense those dark, obscure, and incomprehensible words could be understood.

4. Construing these phrases, as it is believed they were intended, to recommend a sovereignty in a single assembly of representatives, that is, a representative of democracy, it was my duty to show that democracy was as unsteady, equally envious, ambitious, avaricious, vain, proud, cruel, and bloody, as aristocracy or monarchy.

5. That an equilibrium of those "different powers" was indispensably necessary to guard and defend the rights, liberties, and happiness of the people against the deleterious, contagious, and pestilential effects of those passions of vanity, pride, ambition, envy, revenge, lust, and cruelty, which domineer more or less in every government that has no BALANCE or an imperfect BALANCE.

6. That it was not an affected imitation of the English government, so much as an attachment to their old colonial forms, in every one of which there had been three branches, — a governor, a council, and a house of representatives, — which, added to the eternal reason and unalterable nature of things, induced the legislators of those three states to adopt their new constitutions.

The design of the three volumes, pursued from the first page of the first to the last page of the last, was to illustrate, elucidate, and demonstrate those six important truths. To illustrate and prove these truths, or to show them to be falsehoods, where can we look but into the heart of man and the history of his heart? In the heart were found those appetites, passions, prejudices, and selfish interests, which ought always to be controlled by reason, conscience, and social affections; but which are never perfectly so controlled, even by any individual, still less by nations and large bodies of men, and less and less, as communities grow larger and larger, more populous, more commer-

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cial, more wealthy, and more luxurious. In the history of his heart, a transient glance of the eye was cast over the most conspicuous, remarkable, and celebrated of those nations who had preserved any share of authority to the people, or who had approached the nearest to preserving all authority to the people, or who had mixed the authority of the people with that of patricians, or senates, or councils, or where the executive power had been separated from, or united with the legislative, or where the judicial power had been complicated with either, or separate from both. And it was endeavored to be shown, that those nations had been the happiest who had separated the legislative from the executive power, the judicial from both, and divided the legislative power itself into three branches, thereby producing a balance between the legislative and executive authority, a balance between the branches of the legislature, and a salutary check upon all these powers in the judicial, as had been done in the constitutions of Maryland, New York, and Massachusetts. I had nothing to do with despotisms or simple monarchies, unless it were incidentally, and by way of illustration.

I know not that any one of my FACTS has ever been denied or disputed or doubted. Do you deny any of them? Are they not a sufficient apology for the people of Massachusetts, New York, and Maryland, against the accusations of M. Turgot, as well as against Sharp and his followers, who taught the same dogmas?

XX.

IN my apology, if you like that word better than "defence," I passed over England for more reasons than one. I very well knew that there had been no nation that had produced so many materials for the illustration of my system and confirmation of my principles, as that in which I wrote. There was anciently no people but serfs; no house of commons. The struggle between kings, barons, and priests, from Thomas à Kempis to Cardinal Wolsey, and from him to Archbishop Laud, and from him to King William, would have been instructive enough; and it would not have been difficult to show that "the wars, rebellions, persecutions, and oppressions of the English form"

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arose (the frenzy of superstition apart) from the want of that limitation of power in the king, the lords, the commons, and the judges, and of the balances between them, for which I contended. I had nothing to do with the ecclesiastical establishment in England. My observations related exclusively to the civil and political arrangement of powers. These powers were never accurately defined, and, consequently, balanced, till the revolution, nor the judges completely independent, till the present reign.

Nor had I any thing to do with the hereditary quality, superadded to the monarchical and aristocratical powers in England. The three great powers may be separated for some purposes, united for others, as clearly defined, limited, and balanced, for one, two, or three years, as in the constitutions of Maryland, New York, and Massachusetts, as they can be for an age, or as they are in England for endless ages.

A large proportion of "*the wars, rebellions, persecutions, and oppressions,*" in England have arisen from ecclesiastical artifices, and the intoxication of religious enthusiasm. Are you sure that any form of government can at all times secure the people from fanaticism? Although this country has done much, are you confident that our moral, civil, or political liberties are perfectly safe on this quarter? Is a democracy less liable to this evil than a mixed government? It is true that, in my apology, I expressed in strong terms my admiration of the English constitution; but I meant no more of it than was to the purpose of my argument; that is, the division and union of powers in our American constitutions, which were, indeed, so far, imitations of it. My argument had no more to do with hereditary descent than it had with the Church or the Bank of England.

My mind, I acknowledge, was deeply impressed with apprehensions from the accounts of the dangerous and irregular proceedings in several counties in Massachusetts, and the alarming extent of similar discontents in all the other states. And more than all this. The fountains of the great deep were broken up in France, and the proud wave of democracy was spreading and swelling and rolling, not only through that kingdom, but into England, Holland, Geneva, and Switzerland, and, indeed, threatened an inundation all over Europe. Innovation was making bold and large strides in every direction. I had great doubts of

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the success of the leaders in any useful degree; but of one thing I was fully convinced,—that if they aimed at any constitution of civil government more popular than the English, they would ruin themselves, after setting Europe on fire and shedding oceans of blood. The rise, progress, and termination to this time need only be hinted. Are you now convinced that France must have a more permanent executive than she had in the time of Barrère? The constitutions in France, Spain, and Holland, have at last approached nearer to such a division and balance of powers as are contended for, than ever was attempted before; but these constitutions of 1814 are all essentially defective, and cannot endure. As to rebellions in England, there was one in 1715, another in 1745. I recollect no more, unless you claim for one Lord George Gordon's insanity, and that of his stupid, bigoted followers.

After all our "discoveries of new principles of moral liberty," we have had Shays's, Fries's, and I know not whose rebellion in the western counties of Pennsylvania. How near did Virginia and Kentucky approach in the last years of the last century? And how near is New England approaching at this hour in Hartford?

Must you and I humble ourselves in dust and ashes to acknowledge that the United States have had more rebellions and *quasi rebellions* in thirty years than England has had in one hundred and twenty?

John Wilkes said to a confidential friend, who broke in unexpectedly to his closet when he was writing his North-Briton, number fifty-five, "I have been studying these four hours to see how near I could come to treason without committing it." This study, Mr. Taylor, has become a fashionable study in the South, the Middle, and the North, of America.

You "admit that man is physically always the same, but deny that he is so morally." I have not admitted that he is physically always the same, nor have I asserted that he is so morally. On the contrary, some are born strong, others weak, some tall, others short, some agile, others clumsy, some handsome, others ugly, some black, others white. These physical qualities, too, may be, and are both improved and depraved by education, practice, exercise, and nourishment. They are all born alike morally innocent, but do not all remain so. They soon become as differ-

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ent and unlike, and unequal in morals as virtue and vice, merit and guilt. In their intellects they are never equal nor the same. Perception is more quick, memory more retentive, judgment more mature, reason more correct, thoughts better arranged, in some than in others. And these inequalities are the sources of the natural aristocracy among mankind, according to my express words quoted by you.

XXI.

The corporeal inequalities among mankind, from the cradle and from the womb to the age of Oglethorpe and Parr, the intellectual inequalities from Blackmore to Milton, from Crocker to Newton, and from Behmen to Locke, are so obvious and notorious, that I could not expect they would have been doubted. The moral equality, that is, the innocence, is only at the birth; as soon as they can walk or speak, you may discern a moral inequality. These inequalities, physical, intellectual, and moral, I have called sources of a natural aristocracy; and such they are, have been, and will be; and it would not be dangerous to say, they are sources of all the artificial aristocracies that have been, are, or will be.

Can you say that these physical, intellectual, and moral inequalities produce no inequalities of influence, consideration, and power in society?

You say, "upon the truth or error of this distinction, the truth or error of Mr. Adams's mode of reasoning, and of this essay, will somewhat depend." I know not whether I ought not to join issue with you upon this point. State the question or questions, then, fairly and candidly between us.

1. Are there, or are there not physical, corporeal, material inequalities among mankind, from the embryo to the tomb?

2. Are there, or are there not intellectual inequalities from the first opening of the senses, the sight, the hearing, the taste, the smell, and the touch, to the final loss of all sense?

3. Are there not moral inequalities, discernible almost, if not quite, from the original innocence to the last stage of guilt and depravity?

4. From these inequalities, physical, intellectual, and moral, does there or does there not arise a natural aristocracy among

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mankind? or, in other words, some men who have greater capacities and advantages to acquire the love, esteem, and respect of their fellow men, more wealth, fame, consideration, honor, influence, and power in society than other men?

When, where, have I said that men were always morally the same?

Never, in word or writing. I have said, —

1. There is an inequality of wealth.[1]

2. There is an inequality of birth.[1]

3. There are great inequalities of merit, talents, virtues, services, and reputations.[2]

4. There are a few in whom all these advantages of birth, fortune, and fame, are united.[2]

I then go on to say, "these sources of inequality, common to every people, founded in the constitution of nature a natural aristocracy, &c. &c."

Now, sir, let me modestly and civilly request of you a direct and simple answer to the three foregoing questions. Ay or no; yea or nay. You and I have been so drilled to such answers that we can have as little difficulty in promising them as in understanding them; at least, unless we have become greater proficients in pyrrhonism, than we were when we lived together. When I shall be honored with your yea or nay to those three questions, I hope I shall know the real questions between us, and be enabled to confess my error, express my doubts, or state my replication.

But, sir, let me ask you why you direct your artillery at me alone? at me, a simple individual "*in town obscure, of humble parents born?*" I had fortified myself behind the intrenchments of Aristotle, Livy, Sidney, Harrington, Dr. Price, Machiavel, Montesquieu, Swift, &c. You should have battered down these strong outworks before you could demolish me.

The word "*crown*," which you have quoted from me in your eighth page, was used merely to signify *the executive authority*. You, sir, who are a lawyer, know that this figure signifies nothing more nor less. "The prince" is used by J. J. Rousseau, and by other writers on the social compact, for the same thing. Had I been blessed with time to revise a work which is full of errors

[1] Vol. iv. p. 392, of the present work. [2] Ibid. p. 397.

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of the press, I should have noted this as an erratum, especially if I had thought of guarding against malevolent criticism in America. I now request a formal erratum; page 117,[1] at the bottom, dele "crown," and insert "executive authority."

In your eighth page, you begin to consider my natural causes of aristocracy.

1. "Superior abilities." Let us keep to nature and experience. Is there no such thing as genius? Had Raphael no more genius than the common sign-post painters? Had Newton no more genius than even his great master, that learned, profound, and most excellent man, Dr. Barrow? Had Alexander no more genius than Darius? Had Cæsar no more than Catiline, or even than Pompey? Had Napoleon no more than Santerre? Has the Honorable John Randolph no more than Nimrod Hughes and Christopher Macpherson? Has every clerk in a counting-house as great a genius for numbers as Zerah Colburne, who, at six years of age, demonstrated faculties which Sanderson and Newton never possessed in their ripest days? Is there in the world a father of a family who has not perceived diversities in the natural capacities of his children?

These questions deserve direct answers. If you allow that there are natural inequalities of abilities, consider the effects that the genius of Alexander produced! They are visible to this day. And what effect has the genius of Napoleon produced? They will be felt for three thousand years to come. What effect have the genius of Washington and Franklin produced? Had these men no more influence in society than the ordinary average of other men? Genius is sometimes long lived; and it has accumulated fame, wealth, and power, greater than can be commanded by millions of ordinary citizens. These advantages are sometimes applied to good purposes, and sometimes to bad.

XXII.

When superior genius gives greater influence in society than is possessed by inferior genius, or a mediocrity of genius, that is, than by the ordinary level of men, this superior influence I

[1] Vol. iv. p. 398, line twenty.

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call natural aristocracy. This cause, you say, is "fluctuating." What then? it is aristocracy still, while it exists. And is not democracy "fluctuating" too? Are the waves of the sea, or the winds of the air, or the gossamer that idles in the wanton summer air, more fluctuating than democracy? While I admit the existence of democracy, notwithstanding its instability, you must acknowledge the existence of natural aristocracy, notwithstanding its fluctuations.

I find it difficult to understand you, when you say that "knowledge and ignorance are fluctuating." Knowledge is unchangeable; and ignorance cannot change, because it is nothing. It is a nonentity. Truth is one, uniform and eternal; knowledge of it cannot fluctuate any more than itself. Ignorance of truth, being a nonentity, cannot, surely, become entity and fluctuate and change like Proteus, or wind, or water. You sport away so merrily upon this topic, that I will have the pleasure of transcribing you. You say, "the aristocracy of superior abilities will be regulated by the extent of the space between knowledge and ignorance; as the space contracts or widens, it will be diminished or increased; and if aristocracy may be thus diminished, it follows that it may be thus destroyed."

What is the amount of this argument? Ignorance may be destroyed and knowledge increased *ad infinitum*. And do you expect that all men are to become omniscient, like the almighty and omniscient Hindoo, perfect Brahmins? Are your hopes founded upon an expectation that knowledge will one day be equally divided? Will women have as much knowledge as men? Will children have as much as their parents? If the time will never come when all men will have equal knowledge, it *seems* to follow, that some will know more than others; and that those who know most will have more influence than those who know least, or than those who know half way between the two extremes; and consequently will be aristocrats. "Superior abilities," comprehend abilities acquired by education and study, as well as genius and natural parts; and what a source of inequality and aristocracy [illegible]! Suffer me to dilate a little in this place. Ma[illegible] has probably educated as many sons to letters [illegible] to her numbers, as any State in the Union [illegible] any nation, ancient or modern. What proportion [illegible] scholars bear to the whole number of people?

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I wish I had a catalogue of our Harvard University, that I might state exact numbers. Say that, in almost two hundred years, there have been three or four thousand educated, from perhaps two or three millions of people. Are not these aristocrats? or, in other words, have they not had more influence than any equal number of uneducated men? In fact, these men governed the province from its first settlement; these men have governed, and still govern, the state. These men, in schools, academies, colleges, and universities; these men, in the shape of ministers, lawyers, and physicians; these men, in academies of arts and sciences, in agricultural societies, in historical societies, in medical societies and in antiquarian societies, in banking institutions and in Washington benevolent societies, govern the state, at this twenty-sixth of December, 1814. The more you educate, without a balance in the government, the more aristocratical will the people and the government be. There never can be, in any nation, more than one fifth — no, not one tenth of the men, regularly educated to science and letters. I hope, then, you will acknowledge, that "abilities" form a DISTINCTION and confer a privilege, in fact, though they give no peculiar rights in society.

2. You appear, sir, to have overlooked or forgotten one great source of natural aristocracy, mentioned by me in my Apology, and dilated on in subsequent pages, I mean BIRTH. I should be obliged to you for your candid sentiments upon this important subject. Exceptions have been taken to the phrase *well born;* but I can see no more impropriety in it than in the epithets *well bred, well educated, well brought up, well taught, well informed, well read, well to live, well dressed, well fed, well clothed, well armed, well accoutred, well furnished, well made, well fought, well aimed, well meant, well mounted, well fortified, well tempered, well fatted, well spoken, well argued, well reasoned, well decked, well ducked, well trimmed, well wrought,* or any other *well* in common parlance.

And here, sir, permit me, by way of digression, to remark another discouragement to honest political literature, and the progress of real political science. If a *well-meant* publication appears, it is instantly searched for an unpopular word, or one that can be made so by misconstruction, misrepresentation, or by any credible and imposing deception. Some ambitious, popular demagogue gives the alarm, — "heresy?" Holy, demo-

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cratical church has decreed that word to be "heresy!" Down with him! And, if there was no check to their passions, and no balance to their government, they would say, *à la lanterne! à la guillotine! roast him! bake him! boil him! fry him!* The Inquisition in Spain would not celebrate more joyfully an *auto-da-fé.*

Some years ago, more than forty, a writer unfortunately made use of the term *better sort.* Instantly, a popular clamor was raised, and an odium excited, which remains to this day, to such a degree, that no man dares to employ that expression at the bar, in conversation, in a newspaper, or pamphlet, no, nor in the pulpit; though the "baser sort" are sufficiently marked and distinguished in the New Testament, to prove that there is no wrong in believing a "better sort." And if there is any difference between virtue and vice, there is a "better sort" and a worse sort in every human society.

With sincere reverence, let me here quote one of the most profound philosophical, moral, and religious sentiments that ever was expressed:—"*We know not what spirit we are of.*"

XXIII.

I HAVE not yet finished what the poets call an episode, and prose-men a digression. Can you account for a caprice in the public opinion? Burke's "*swinish multitude*" has not been half so unpopular, nor excited half the irritation, odium, resentment, or indignation that "WELL BORN" and "better sort" have produced. Burke's phrase, nevertheless, must be allowed to be infinitely more unphilosophical, immoral, irreligious, uncivil, impolitic, inhuman, and insolent than either, or both the other. Impudent libeller of your species! Whom do you mean by your "multitude?" The multitude, in your country, means the people of England, Scotland, and Ireland, and all the rest of your dominions. The multitude, in this country, means the people of the United States. The multitude means mankind. Make your exceptions, and then say, after an attention, whether they are not, upon an average, as swinish as the rest. All the delicacy of your classical criticism, all the subtilty of your

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metaphysical discrimination, cannot devise a justifiable limitation of your words.

But, to return from this digression, till I meet another. Our present subject is BIRTH. It is acknowledged that we are all children of the same benevolent parent; all born under the same moral law of our nature; all equally free; and all entitled to the same equal rights. Thus far, I hope, we are agreed. But, not to repeat the physical inequalities and the intellectual inequalities of capacity, before enumerated, and perhaps more than once, is there not a distinction made in society between children of different parents? and is it not produced by natural causes? If you deny that such distinctions are made in fact and practice, how shall I prove it?

1. The general sense, and still more, the universal consent of mankind, is allowed to be a strong argument to prove the truth of any fact, or any opinion. Is there any practice, custom, or sentiment, in which mankind have more universally agreed, than in making distinctions of nativity, and manifesting more respect for the children of some parents than for those of others? Not only all civilized, cultivated, and polished societies, but all pastoral nations and savage hordes, the negroes of Africa and our Indian tribes, all concur in this usage. If, in all your reading, conversation, or experience, you have found an exception, I pray you to communicate it to me. I know none.

2. Look over our States, (which, I pray, may be sometime or other truly called United.) Is no distinction made here? It might be thought invidious to mention names, and indeed it would be endless. But are there not NAMES almost as much revered as those of patriarchs, prophets, or apostles? Have names no influence in governing men? Had the word "Gueux" no influence in the Dutch Revolution? Had the word "*sans culotte*" none in the French? Have the words "Jacobin," "democrat," no influence? Have the words "federalist" and "republican" no effect? If these transient, momentary, cant words of faction, or at best of party, have such effects, what must be the more permanent influence of names that have been revered for ages, and never heard but like music?

3. In this argument, I have a right to state cases as strong as any that occur in human life. Suppose ten thousand people

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assembled to see the execution of a man for burglary, robbery, arson, fratricide, patricide, or the meanest, most treacherous, perfidious, and cruel crime that can be committed or imagined. Suppose, the next day, the same ten thousand people should attend the funeral obsequies of Washington, Hamilton, or Ames. Is it possible that these ten thousand people should have the same feelings for the children of the criminal that they have for the hero and the sages?

4. Is there not a presumption in favor of some children? At least a probable presumption, if not a violent presumption? Here, again, I have a right to put strong cases. Here are two families in the same neighborhood; the parents in one are ignorant, intemperate, idle, thievish, lying, and, consequently, destitute; in the other, they are sober, prudent, honest, decent, frugal, industrious, possessed of comfortable property, studious, inquisitive, well informed, and, if you will, literary and scientific. Is there not a violent presumption in favor of the children of the latter family, and against those of the former? Exceptions there are; but exceptions prove the general rule.

5. Is there not a prejudice in favor of some children, and against others? Prejudices, associations, habits, customs, usages, manners, must, in some cases and in some degree, be studied, respected, and indulged by legislators, even the most wise, virtuous, pious, learned, and profound. Here, sir, I will appeal to yourself. A young man appears. You ask of the bystanders who he is? The answer is, "I do not know." "No matter; let him go." Another appears,—"Who is he?" The answer is, "The son of A. B." "I do not know A. B." A third appears,—"Who is this?" "The son of C. D." "C. D.! my friend! He has been dead these fifty years; but I love his memory, and should be glad to be acquainted with any of his posterity. Please to walk in, sir, and favor me with your company for a few weeks or months; you will be always welcome to my house, and will always oblige me with your company."

6. Theognis, a Greek poet, twenty-four hundred years ago, complains that, although mankind were very anxious to purchase stallions, bulls, and rams of the best breed; yet, in some instances, men would marry wives of mean extraction for the sake of their fortunes, and ladies of high birth would marry men of low de-

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scent because they were rich.[1] And I believe there has not been a poet, orator, historian, or philosopher, from his age to this, who has not in his writings expressed or implied some distinction of nativities; nor has there been one of either sex who, in choosing a companion for life, between two rivals of equal youth, beauty, fortune, talents, and accomplishments, would not prefer the one of respectable parentage to the other of meaner and lower original.

XXIV.

I AM still upon birth, and my seventh argument is,—

7. It was a custom among the Greeks and Romans,—probably in all civilized nations,—to give names to the castles, palaces, and mansions of their consuls, dictators, and other magistrates, senators, &c. This practice is still followed in England, France, &c. Among the ancients, the distinctions of extraction were most constantly marked by the spots on which they were born. "Illustri loco natus," "claro loco natus," "clarissimo loco natus," "illustrissimo loco natus," were common expressions of conspicuous origin. On the contrary, "obscuro loco nati," "vili loco nati," designated low original, base extraction, sordid descent, and were expressions, however unjustly, of odium, or at least contempt. I perceive, sir, that you gentlemen of Virginia, who are good classical scholars, have not suffered this observation to escape you. You have taken the modest name of Hazlewood; my friend Richard Lee, the superb name, Chantilly; Mr. Madison, the beautiful name of Montpelier; and Mr. Jefferson, the lofty name of Monticello; and Mr. Washington, the very humble name of a British sea captain, Mount Vernon; the Hon. John Randolph, that of Roanoke. I would advise the present proprietor of Mount Vernon to change the name to Mount Talbot, Truxton, Decatur, Rodgers, Bainbridge, or Hull. And I

[1] Κριοὺς μεν καὶ ὄνους διζήμεθα, Κύρνε, καὶ ἵππους
Εὐγενέας· καί τις βούλεται ἐξ ἀγαθῶν
Κτήσασθαι· γῆμαι δὲ κακὴν κακοῦ οὐ μελεδαίνει
Ἐσθλὸς ἀνήρ, ἢν οἱ χρήματα πολλὰ διδῷ.
Οὐδεμιά κακοῦ ἀνδρὸς ἀναίνεται εἶναι ἄκοιτις
Πλουσίου, αλλ' ἀφνεὸν βούλεται ἀντ' ἀγαθοῦ.
Χρήματα μὲν τιμῶσι, καὶ ἐκ κακοῦ ἐσθλος ἔγημε,
Καὶ κακὸς ἐξ ἀγαθοῦ· πλοῦτος ἔμιξε γένος.

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would advise our Boston gentlemen, who have given this name of the British sea captain to the most beautiful hill on the globe, to change it to Mount Hancock, or Mount Perry, or Mount Macdonough.

8. I wish I could take a walk with you in all the churchyards and burying grounds in Virginia, — Episcopalian, Presbyterian, Methodist, or what you will. Are there not tombs, monuments, gravestones, and inscriptions, ancient and modern? Is there no distinction made among these memorials? Are they all seen with equal eyes, with equal indifference? Is there no peculiar attachment, no particular veneration for any of them? Are they all beheld by the whole people and by every individual with similar sensations and reflections? How many hundreds of thousands of men, women, and children have lived and died in Virginia, to whom no monument has been erected, whose posterity know not, and cannot conjecture, where their ancestors were deposited? Do all these cemeteries, which are found all over the world, exhibit no distinctions of names and families and persons? Are not these distinctions natural? produced by natural and inevitable causes?

9. I should be highly honored and vastly delighted to visit with you every great planter in Virginia. I should be pleased to look into their parlors, banqueting rooms, bedchambers, and great halls, as Mr. Jefferson and I once did together the most celebrated of the gentlemen's country seats in England. Should we there see no statues, no busts, no pictures, no portraits of their ancestors? no trinkets, no garments, no pieces of furniture carefully preserved, because they belonged to great grandfathers, and estimated at ten times the value of similar articles of superior quality, that might be bought at any shop or store? What are ancestors, or their little or great elegance or conveniences, to the present planter, more than those of the fifty-acre man, his neighbor, who perhaps never knew the name of his grandfather or father? Are there no natural feelings, and, consequently, no natural distinctions here?

I think I have been impartial, and have suspected no vanity or weakness in Virginians, which I have not recognized in Massachusettensians; and I could enumerate many more. I will go farther. It seems to be generally agreed and settled among men, that John Adams is a weak and vain man. I fall down

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under the public opinion, the general sense, and frankly and penitently acknowledge, that I have been all my lifetime, and still am, a weak and vain man. One instance of my vanity and weakness I will distinguish. Within two or three years, I have followed to the tomb the nearest, the dearest, the tenderest connections, relations, and friends of my life, from almost ninety years of age to eighteen months. This has made me contemplate much among the tombs, — a gloomy region to which I had been much a stranger. In this churchyard, I found the monumental stones of my father and mother, my grandfather and grandmother, my great grandfather and great grandmother, and my great great grandfather. My great great grandmother died in England. If you will do me the favor, sir, to come to Quincy and spend a few weeks with me, I will take a walk with you, and show you all these monuments and inscriptions, and will confess to you, I would not exchange this line of ancestors for that of Guelphs, or Bowdoins, or Carters, or Winthrops. Such is my vanity, imbecility, and dotage! And I suspect that you are not a whit wiser than I am in this respect. Open your soul, sir, and disclose your natural feelings, and frankly say, whether you would exchange ancestors with any man living. I believe you would not. Is there a human being who would? If these feelings for ancestors are universal, how shall any legislator prevent the rich, the great, the powerful, the learned, the ingenious, from distinguishing by durable, costly, and permanent memorials, their own ancestors, and, consequently, their children and remote posterity, from the descendants of the vast, the immense majority, who lie mingled with the dust, totally forgotten? And how shall he prevent these names and families from being more noted and respected by nations, as well as smaller communities, than names never before heard?

XXV.

A WORD or two more upon birth.

10. Birth is naturally and necessarily and inevitably so connected and blended with property, fame, power, education, genius, strength, beauty, learning, science, taste, figure, air, attitudes, movements, &c. &c. &c., that it is often impossible, and

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always difficult to separate them. Two children are born on the same day, of equal genius, — one, the son of Mr. Jefferson; the other, of Nimrod Hughes. Which will meet with most favor in the world? Would a child of Anthony Benezet, good creature as he was, have an equal chance in life with a son of Robert Morris, when the wealth of nations was believed to be in his power? Would a son of the good Rutherford, the predecessor of General Morgan, have an equal favor in the world with a son of the great General and President Washington? Would a son of Sir Isaac Newton have no more favor in the sight of the whole human race than a son of Mr. Rittenhouse, the worthy President of the Philosophical Society of Philadelphia? Beau Nash meet no more complaisance than one of the Hercules du Roi, whom I have seen leap at Sadlers Wells, and turn his heels over his head, at a height of ten or twelve feet, and come down on the other side of the stage erect? I leave, sir, to your fertile genius, ample reading, and long experience, to pursue the inquiries. I could continue to enumerate examples through sheets of paper.

11. Have you not observed in life, and have you not remarked in history, that the common people, — and by *common people*, I here mean all mankind, despots, emperors, kings, princes, nobles, presidents, senators, representatives, lawyers, divines, physicians, merchants, farmers, shopkeepers, mechanics, tradesmen, day laborers, tavern haunters, dram-shop frequenters, mob, rabble, and canaille, that is to say, all human kind, — have you not observed that all these feel more respect, more real respect for birth than even for wealth; may I not say than for genius, fame, talents, or power? Though they follow and hosanna for the loaves and fishes, you will often hear them say, "proud as he is, I knew his father, who was only a blacksmith; his grandfather, who was only a carpenter; or his great grandfather, who was only a shoemaker; he need not be so topping."

12. Has not the experience of six thousand years shown that the common people submit more easily and quietly to birth than to wealth, genius, fame, or any other talents? Whence the prejudices against upstarts, parvenus, &c.? Whence the general respect, reverence, and submission in all ages and nations, of plebeians to patricians, of sieurs to monsieurs, of juffrouws to mevrouws? If a man of high birth is promoted, little or nothing

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is said by the plebeians. If one of their own level, the son of a tradesman or common farmer is advanced, all the envy and bile of his equals is excited. He is abused and belittled, if not reviled, by all his former equals, as they thought themselves, whatever may have been the superiority of his genius, education, services, experience, or other talents. There is nothing, Mr. Taylor, to which the vulgar, in general, so quietly and patiently and cordially submit as to birth.

13. What in all ages has been the source of the submission of nobility to royalty? Every nobleman envies his sovereign, and would pull him down, if he could get into his throne and wear his crown. But when nobles and ignobles have torn one another to pieces for years or ages in their eternal squabbles of jealousy, envy, rivalry, hatred, and revenge, and all are convinced that this anarchy will not do, that the world will be depopulated, that a head must be set up, and all the members must be guided by it, then, and not till then, will nobles submit to Kings as of superior birth. What subjects all the nobility of Europe to all the kings of Europe, but birth? though some of them cannot well make out their pretensions; particularly the proudest of them all, — the house of Austria.

14. What has excited a universal insurrection of all Europe against Bonaparte, (if we dive to the bottom of this awful gulf, and recollect the succession of coalitions against him and against republican France,) but because he was *obscuro loco natus*, the son of a simple gentillâtre of Corsica?

15. Such, and so universal are the manifest distinctions of birth in every village and every city, so tremendous are their effects on nations and governments, that one might almost pronounce them self-evident. I may justly be ridiculed for laboring to demonstrate *in re non dubiâ, testibus non necessariis.* Can you discern no good in this eternal ordinance of nature, the varieties of birth? If you cannot, as the facts are indisputable, you must assert that, so far as you can see, the world is ill made, and that the whole of mankind are miscreants. For there are no two of them born alike in any thing but divine right and moral liberty.

17. Please to remember that birth confers no right on one more than another! But birth naturally and unavoidably produces more influence in society, in some more than in others;

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and the superiority of influence in society, in some more than in others; and the superiority of influence is aristocracy.

18. When birth, genius, beauty, strength, wealth, education, fame, services, heroism, experience, unite in an individual, they produce inequality of influence, that is, aristocracy with a witness, so that one can chase a thousand, and two put ten thousand to flight in any political conflict; and without any hereditary descent, or any artificial marks, titles, or decorations, whatever.

XXVI.

In page 10, you say, "Mr. Adams has omitted a cause of aristocracy in the quotation, which he forgets not to urge in other places, namely, — exclusive wealth." This is your omission, sir, not mine. In page 109, vol. i.[1] I expressly enumerated, "inequality of wealth" as one of the causes of aristocracy, and as having a natural and inevitable influence in society. I said nothing about "exclusive" wealth. The word "exclusive," is an interpolation of your own. This you acknowledge to be, "by much the most formidable with which mankind have to contend;" that is, as I understand you, superior wealth is the most formidable cause of aristocracy, or of superior influence in society. There may be some difficulty in determining the question, whether distinctions of birth, or distinctions of property, have the greatest influence in the world? Both have very great influence, much too great, when not restrained by something besides the passions or the consciences of the possessors. Were I required to give an answer to the question, my answer would be, with some diffidence, that, in my opinion, taking into consideration history and experience, birth has had, and still has, most power and the greatest effects; because conspicuous birth is hereditary; it is derived from ancestors, descends to posterity, and is inalienable. Titles and ribbons, and stars and garters, and crosses and legal establishments, are by no means essential or necessary to the preservation of it. The evidences of it are in history and records, and in the memories and hearts they remain, and it never fails to descend to posterity as long as that

[1] Vol. iv. p. 392.

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posterity furnishes any one or more whose talents and virtues can support the reputation of the name. Birth and wealth are commonly so entangled together, from an emperor down to a constable or tithing-man, that it is difficult to separate them so distinctly as to place one in one scale, and the other in an opposite scale, to ascertain in grains and scruples the preponderance. The complaint of Theognis, that pelf is sometimes preferred to blood, was, and is true; and it is also true that beauty, wit, art, disposition, and "winning ways," are more successful than descent; yet, in general, I believe this prevails oftener than any of the others. I may be mistaken in this opinion; but of this I am certain; that it always has the same weight, when it is at all considered. You must recur, Mr. Taylor, to Plato's republic and the French republic, destroy all marriages, introduce a perfect community of women, render it impossible to know, or suspect, or conjecture one's own father or mother, son or daughter, brother or sister, uncle or aunt, before you can annihilate all distinctions of birth. I conclude, therefore, that birth has naturally and necessarily and unavoidably some influence, more or less, in human society. Will you say it has none? I have a right, sir, to an answer to this question, yea or nay. You have summoned me before the world and posterity, in my last hours, by your voluminous criticisms and ratiocinations, which gives me a right to demand fair play. On my part, I promise to answer any question you can state, by an affirmative, negative, or doubt, without equivocation. Property, wealth, riches, although you allow them to be a cause of aristocracy in your tenth page, yet you will not permit this cause to be "ascribed to nature." But why not? If, as I have heard, "the shortest road to men's hearts is down their throats," this is surely a natural route. Hunger and thirst are natural wants, and the supplies of them are natural. Nature has settled the point, that wood and stones shall not invigorate and enliven them like wine. Suppose one of your southern gentlemen to have only one hundred thousand acres of land. He settles one thousand tenants with families upon it. If he is a humane, easy, generous landlord, will not his tenants feel an attachment to him? will he not have influence among them? will they not naturally think and vote as he votes? If, on the contrary, he is an austere, griping, racking, rack-renting tyrant, will not his tenants be afraid to offend him?

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will not some, if not all of them, pretend to think with him, and vote as he would have them, upon the same principle as some nations have worshipped the devil, because they knew not into whose hands they might fall? Now, sir, my argument is this. If either the generous landlord or the selfish landlord can obtain by gratitude or fear only one vote more than his own from his tenants in general, he is an aristocrat, whether his vote and those of his dependents be beneficial or maleficial, salutary or pestilential, or fatal to the community.

I remember the time, Mr. Taylor, when one thousand families depended on Mr. Hancock for their daily bread; perhaps more. All men allowed him to be punctual, humane, generous. How many of the heads of these families would naturally be inclined to vote with and for Mr. Hancock? Could not Mr. Hancock command, or at least influence one vote, besides his own? If he could, he was an aristocrat, according to my definition and conscientious opinion. Let me appeal now to your own experience. Are there not in your own Caroline County, in Virginia, two or three, or four, five or six, eight or ten great planters, who, if united, can carry any point in your elections? These are every one of them aristocrats, and you, who are the first of them, are the most eminent aristocrat of them all.

XXVII.

Give me leave to add a few words on this topic. I remember the time when three gentlemen, — Thomas Hancock, Charles Apthorp, and Thomas Green, the three most opulent merchants in Boston, all honorable, virtuous, and humane men, — if united, could have carried any election almost unanimously in the town of Boston.

Harrington, whom I read forty or fifty years ago, and shall quote from memory, being too old to hunt for books and fumble over the leaves of folios, has been called the Newton in politics, and is supposed to have made a great discovery, namely, — that mankind are governed by the teeth, and that dominion is founded on property in land. Mr. Locke and the French economists countenance this opinion. Landed gentlemen are generally not only aristocrats, but tories. What but commerce,

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manufactures, navigation, and naval power, supported by a moneyed interest, restrains them from establishing aristocracies or oligarchies, as absolute, arbitrary, oppressive, and cruel, as any monarchy ever was? What has annihilated the astonishing commerce and naval power of Holland, but the influence of the landed gentlemen in the inland provinces, overbearing and outvoting the maritime provinces? What is it that prevents France from reducing and restraining, if not annihilating, the commerce, manufactures, and naval power of Great Britain, but the landed gentry, — the proprietors of lands in France? Who never would suffer commerce, manufactures, or naval power to grow in that kingdom? Who would never permit Colbert or Necker to hold power, or even enjoy popularity, but with the moneyed interest? Yet these gentlemen could never be satisfied with the number of soldiers and land armies. No expense, no exertion to increase the number of officers and soldiers in the army could be too much. What has prevented our beloved country, to the astonishment of all Europe, from having at this hour a naval force amply sufficient to burn, sink, or destroy, or bring captive into our harbors, all the men of war that Britain has sent, or can send to our coasts, but the landed gentlemen, the great and little planters, the yeomen and farmers of the United States? Such it was in the beginning, is now, and, I fear, ever will be, world without end.

All these considerations prove the mighty influence of property in human affairs; they prove the influence of birth too; for landed property is hereditary generally all over the world. Truth, Mr. Taylor, cannot be ridiculed into error. Aristophanes could laugh Socrates out of his life, but not out of his merit or his fame. You seem to admit that "aristocracy is created by wealth," but you seem to think it is "artificially," not "naturally," so created. But if superior genius, birth, strength, and activity, naturally obtain superior wealth, and if superior wealth has naturally influence in society, where is the impropriety in calling the influence of wealth "natural?" I am not, however, bigoted to the epithet *natural;* and you may substitute the epithet "actual" in the place of it, if you think it worth while.

"Alienation," you say, "is the remedy for an aristocracy founded on landed wealth." But alienation only transfers the

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aristocracy from one hand to another. The aristocracy remains the same. If Brutus transfers to Cassius a villa or a principality purchased by the unrighteous profits of usury, Cassius becomes as influential an aristocrat as Brutus was before. If John Randolph should manumit one of his negroes and alienate to him his plantation, that negro would become as great an aristocrat as John Randolph. And the negro, John Randolph, Brutus, and Cassius, were, and are, and would be aristocrats of a scarlet color and a crimson dye, if they could. Alienation, therefore, is no remedy against an aristocracy founded on landed wealth.

You say, sir, that "inhibitions upon monopoly and incorporation are remedies for aristocracy founded on paper wealth." Here, sir, once for all, let me say, that you can write nothing too severe for me against "paper wealth." You may say, if you please, as Swift says of party, that it is the madness of the many for the profit of the few. You may call a swindler, a pickpocket, a pirate, a thief, or a robber, and I will not contradict you, nor dispute with you. But, sir, how will you obtain your "inhibitions upon monopoly and incorporation," when the few are craving and the many mad for the same thing? When democrats and aristocrats all unite, with perhaps only two or three exceptions, in urging these monopolies and incorporations to the last extremity, and when every man who opposes them is sure to be ruined? Paper wealth has been a source of aristocracy in this country, as well as landed wealth, with a vengeance. Witness the immense fortunes made *per saltum* by aristocratical speculations, both in land and paper. In human affairs, sir, we must consider what is practicable, as well as what is theoretical.

But, sir, land and paper are not the only sources of aristocracy. There are master shipwrights, housewrights, masons, &c. &c., who have each of them from twenty to a hundred families in their employment, and can carry a posse to the polls when they will. These are not only aristocrats, but a species of feudal barons. What are demagogues and popular orators, but aristocrats? John Cade and Wat Tyler were aristocrats. Callender and Paine were aristocrats. Shays and Fries were aristocrats. Mobs never follow any but aristocrats.

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XXVIII.

KNOWLEDGE, you say, invented alienation, and became the natural enemy of aristocracy. This "invention" of knowledge was not very profound or ingenious. There are hundreds in the patent office more brilliant. The right, power, and authority of alienation are essential to property. If I own a snuffbox, I can burn it in the fire, cast it in a salt pond, crush it in atoms under a wagon wheel, or make a present of it to you,—which last alienation I should prefer to all the others,—or I could sell it to a peddler, or give it to a beggar. But, in either case, of gift or sale, would the aristocratical power of the snuffbox be lessened by alienation? Should a palatinate of Poland, or a prince of Russia, alienate his palatinate or his principality, with all the serfs attached to them, would not the buyer derive all the aristocratical influence from the purchase which the latter alienated by the sale? Should a planter in Virginia sell his *clarissimum et illustrissimum et celeberrimum locum* with his thousand negroes, to a merchant, would not the merchant gain the aristocratical influence which the planter lost by his transfer? Run down, sir, through all the ranks of society, or, if you are shocked at the word *rank*, say all the classes, degrees, the ladder, the theatrical benches of society, from the first planter and the first merchant to the hog driver, the whiskey dramseller, or the Scottish peddler, and consider, whether the alienation of lands, wharves, stores, houses, funded stock, bank stock, bridge stock, canal stock, turnpike stock, or even lottery tickets, does not transfer the aristocracy as well as the property. When the thirsty soul of a hundred acre man carries him to the whiskey shop till he has mortgaged all his acres, has he not transferred his aristocracy with them? I hope these hints, sir, have convinced you that alienation is not an adequate remedy against the aristocracy of property.

"Inhibitions upon monopoly and incorporation," you say, "are remedies for an aristocracy founded on paper wealth." And are such "inhibitions" your only hope against such an aristocracy? Have those principles of government which we have discovered, and those institutions which we have invented, which have established a "moral liberty" undiscovered and universal, unin-

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vented by all nations before us, "inhibited monopolies and incorporations?" Is not every bank a monopoly? Are there not more banks in the United States than ever before existed in any nation under heaven? Are not these banks established by law upon a more aristocratical principle than any others under the sun? Are there not more legal corporations, — literary, scientifical, sacerdotal, medical, academical, scholastic, mercantile, manufactural, marine insurance, fire, bridge, canal, turnpike, &c. &c. &c., — than are to be found in any known country of the whole world? Political conventions, caucuses, and Washington benevolent societies, biblical societies, and missionary societies, may be added, — and are not all these nurseries of aristocracy? If "alienations" and "inhibitions" fail us, where shall we look next for a remedy against aristocracy? Shall we have recourse, as you have done, page 9, to the art of printing? But this has not destroyed property or aristocracy or corporations or paper wealth in Europe or America, or diminished the influence of either; on the contrary, it has multiplied aristocracy and diminished democracy. I pray you, not to think this a paradox. You may hereafter be convinced, that it is a serious, a solemn, and melancholy truth. Admit that the press transferred the pontificate of Rome to Henry VIII. and to all the subsequent kings of England, even if you will, down to his present royal highness, the prince regent. Admit that the press demolished in some sort the feudal system, and set the serfs and villains free; admit that the press demolished the monasteries, nunneries, and religious houses; into whose hands did all these alienated baronies, monasteries, and religious houses and lands fall? Into the hands of the democracy? into the hands of serfs and villains? Serfs and villains were the only real democracy in those times. No. They fell into the hands of other aristocrats, and there remain to this day, notwithstanding all the innumerable "alienations" and transfers from aristocrat to aristocrat to this hour. Admit, sir, that the press produced the reformation as well as the dissolution of the feudal system and the tenures in mortmain, what was the consequence? Two hundred years, at least, of thefts, larcenies, burglaries, robberies, murders, assassinations, such as no period of human history had before exhibited. The civil wars in England, the massacres in Ireland, the civil wars in France, and the

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massacre of Saint Bartholomew's day, all proceed from the same source, and so did the late French revolution; and the consequences are not ended, and cannot yet be foreseen. The real democracy of mankind has found very little alteration for the better or the worse through all these changes. The serfs of the barons or the church lands lived as well, and were as humanely treated, as the manufacturers or laborers are in England, France, Germany, or Spain, at this day. These are the real democracy of every nation and every age. These, who have either no vote at all, or at best but one vote, are the most numerous class in every society. Property in land, they have none; property in goods, besides their clothes, they have very little. When the national convention in France voted all the negroes in St. Domingo, Martinique, Guadaloupe, St. Lucia, &c., free, at a breath, did the poor democracy among the negroes gain any thing by the change? Did they not immediately fall into the power of aristocrats of their own color? Are they more free, from Toussaint to Petion and Christophe? Do they live better? Bananas and water they still enjoy, and a whole regiment would follow a leader who should hold a saltfish to their noses.

XXIX.

Suppose congress should, at one vote, or by one act, declare all the negroes in the United States free, in imitation of that great authority, the French sovereign legislature, what would follow? Would the democracy, nine in ten, among the negroes, be gainers? Would not the most shiftless among them be in danger of perishing for want? Would not nine in ten, perhaps ninety-nine in a hundred of the rest, petition their old aristocratical masters to receive them again, to protect them, to feed them, to clothe them, and to lodge and shelter them as usual? Would not some of the most thinking and philosophical among the aristocratical negroes ramble into distant states, seeking a poor and precarious subsistence by daily labor? Would not some of the most enterprising aristocrats allure a few followers into the wilderness, and become squatters? or, perhaps, incorporate with Indians? Would not others who have the courage of crimes, — "Le courage du crime," — as

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well as of enterprise, collect little parties of followers, hide themselves in caves, behind rocks and mountains, in deep forests, or thick and boggy swamps, and commit inroads, depredations, and brigandages, as the villains did in Europe for ages, after the dissolution of fiefs and monasteries? Will the poor, simple, democratical part of the people gain any happiness by such a rash revolution?

I hope, sir, that all these considerations will convince you, —

1. That property has been, is, and everlastingly will be, a natural and unavoidable cause of aristocracy, and that God Almighty has made it such by the constitution of human nature and the globe, the land, the sea, the air, the water, and the fire, among which he has placed it.

2. That the advice which was given to me by a good deacon, in a quotation from an ancient divine, in the spring of 1774, after I was chosen to go to Congress, — "In all cases of difficulty and danger, when you know not what to do, be very careful that you do not do you know not what," — was good advice. You and I have had to see the rise and progress, perfection, decline, and termination of hot, rash, blind, headlong, furious efforts to ameliorate the condition of society, to establish liberty, equality, fraternity, and the rights of man. And in what have they ended? *Festina lente! sobrius esto.* Property makes a permanent distinction between aristocrats and democrats. There are many more persons in the world who have no property, than there are who have any; and, therefore, the democracy is, and will be, more numerous than the aristocracy. But we must remember that the art of printing, to which you appeal to level aristocracy, is almost entirely in the hands of the aristocracy. You resort to the press for the protection of democracy and the suppression of aristocracy! This, sir, in my humble opinion, is "*committere agnum lupo.*" It is to commit the lamb to the kind guardianship and protection of the wolf! a hungry wolf! a starving wolf! Emperors and kings and princes know the power of the press, at least as well, perhaps better, than you and I do. It is known to nobles and aristocrats of all shades, colors and denominations, much better than to democrats. It is known to domestic ministers and to foreign ambassadors, quite as well as to Duane, Benjamin Austin or John Randolph. Oxenstiern bid his son go among the ambassadors

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and ministers of state, to see by "what sort of men this world is governed." That sensible man might as sensibly have recommended to his son to go among the booksellers, the hireling scribblers, printers, and printers' devils. He might have more easily found how this lower world is governed. Half the expense would have let him into the secret. The gazettes, the journals, the newspapers, and fugitive pamphlets govern mankind at this day, and have governed, at least since the art of printing has become universal or even general. And what governors are these?

Here, Mr. Taylor, give me leave to relate an anecdote, which, upon honor, and, if you doubt, I will attest upon oath. There were times, when I had the honor to be in high favor with the Count de Vergennes, and to enjoy his confidence. I had found means to convey into English newspapers paragraphs and little essays, which he knew could come only from me. At his office, one morning, upon some particular business with him, he received me alone, and walked with me backwards and forwards in the most familiar conversation. "Mr. Adams," said the Count, "the gazettes, the journals govern the world. It is necessary that we should attend to them in all parts and in England; and I should be glad to communicate with you on this plan." You cannot conceive the impression these few words made upon me. I was dumb, but I said in my heart, "Monsieur le Comte, your spies have informed you, that I daily read the foreign gazettes, and that I have communicated some trifles in England; and I doubt not you know my channels of conveyance." The truth was, I daily read the foreign gazettes from Holland, Germany, England, and daily saw the hand of the Count de Vergennes and his office of interpreters of three hundred clerks, as I was told, skilled in the languages of all nations. I give you but a sketch, or rather a hint, of what would require volumes to explain at large. And I give you this hint merely, to convince you that ministers of state know the press as well as John Randolph or any other democrat, aristocrat, or mongrel.

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XXX.

You remember I have reserved a right of employing twenty years to answer your book, because you consumed that number in writing it. I have now written you thirty letters, and have not advanced beyond a dozen pages of your work; at this rate, I must ask your indulgence for forty or fifty years more. You know that your amusement and my own are the principal objects that I have in view. My last was upon the power of the press and the influence of the art of printing; and I endeavored to convince you, that the great cause of democracy would not be exclusively promoted by that noble invention. It is certain that property is aristocracy, and that property commands the press. Think of this, sir! The types, the machinery, the office, the apprentices, the journeymen require a capital, and that capital is aristocracy. It does not appear that democracy has ever distinguished itself more than aristocracy, in zeal or exertion for the promotion of science, literature, the fine arts, or mechanic arts, not even the art of printing.

In ancient days, when all learning was in manuscript, it required a fortune to procure a small library. Books were in the hands of the rich. The Roman knights, with their gold rings, might have some knowledge; but the plebeians had none but such as they acquired from the actors on their theatres, and their popular orators in town meetings, all of whom were as proudly and vainly aristocratic, and nearly as flashy and as superficial, as your Baron of Roanoke. Will you call Terence and Epictetus and other Greek slaves, or the wandering sophists, the *Græci esurientes*, rambling about the world, like strolling players, to beg or earn a pitiful subsistence, democrats? Will you quote the rambling French dancing-masters, drawing-masters, fencing-masters, and grammarians, as democrats?

Have democrats been the promoters of science, arts, and literature? The aristocrat, monarchist, or tyrant, Pisistratus, his sons, &c., who assembled all the learned men of Greece to form a system of religion and government by the compilation of Homer, were not democrats. Alexander and Pericles, Themistocles and the Ptolemies, were not democrats. Augustus, nor Scipio, nor Lælius, were democrats. The Medici, who raised popes,

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emperors, queens, and kings, by the machinery of banks, were not democrats. Elizabeth, Anne, Louis XIV., Charles I., George III., Catherine, were not democrats. You may call Napoleon a democrat, if you will. These have been the great encouragers of arts and sciences and literature. But, perhaps, sir, I have rambled a little from the point. The question then is, concerning the influence of the art of printing, in diminishing aristocracy, and protecting, encouraging, supporting, increasing, and multiplying democracy. This subject will require volumes. My great misfortune, through a pretty long life, has been, that I have never had time to make my poor productions shorter. And I am more embarrassed now than ever, for I have neither eyes, nor fingers, nor clerks, nor secretaries, nor aids-de-camp, nor amanuenses, any more than time, at my command, to abridge and condense, or arrange and methodize any thing. Correction, revision, — *nonumque prematur in annum*, — have all been forbidden fruit to me.

Has the art of printing increased democracy? It has humiliated kings; it has humiliated popes; it has demolished, in some degree, feudality and chivalry; it has promoted commerce and manufactures; agreed if you will, and sing *Io, triumphe*, if you will. But is democracy increased or bettered? Remember always, as we go along, that by democrats I mean exclusively those who are simple units, who have but one vote in society. How shall we decide this question? Have these simple units acquired property? Have they acquired knowledge? Do they live better? Are they become more temperate, more industrious, more frugal, more considerate? Run over all Europe, and see! In France, 24,500,000, who can neither read nor write; in England, Protestant as it is, not much less in proportion; nor in Holland, nor Germany, nor Russia, nor Italy, nor the peninsula of Spain and Portugal. Knowledge, in France, I may acknowledge, has been more spread and divided among the aristocracy of five hundred thousand aristocrats; but the democratical twenty-four million five hundred thousand have gained nothing. Bread and water, oatmeal and potatoes, are still their rations. The benevolence of Henry IV. and all his successors have never procured so much as a chicken in the pot once a week for the poor democrats. Depend upon it, unless you give a share in the sovereignty to the democrats, the

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more you increase knowledge in the nation, the more you will grind and gripe the democrats, till you reduce them to the calculations concerning West India negroes, Scottish and English coal-heavers, Dutch turf-lifters, and the street-walking girls of the night in Paris and London. For knowledge will forever be monopolized by the aristocracy. The moment you give knowledge to a democrat, you make him an aristocrat. If you give more than a share in the sovereignty to the democrats, that is, if you give them the command or preponderance in the sovereignty, that is, the legislature, they will vote all property out of the hands of you aristocrats, and if they let you escape with your lives, it will be more humanity, consideration, and generosity than any triumphant democracy ever displayed since the creation. And what will follow? The aristocracy among the democrats will take your places, and treat their fellows as severely and sternly as you have treated them. For every democracy and portion of democracy has an aristocracy in it as distinct as that of Rome, France, or England.

XXXI.

That the first want of man is his dinner, and the second his girl, were truths well known to every democrat and aristocrat, long before the great philosopher Malthus arose, to think he enlightened the world by the discovery.

It has been equally well known that the second want is frequently so impetuous as to make men and women forget the first, and rush into rash marriages, leaving both the first and second wants, their own as well as those of their children and grandchildren, to the chapter of accidents. The most religious very often leave the consideration of these wants to him who supplies the young ravens when they cry.

The natural, necessary, and unavoidable consequence of all this is, that the multiplication of the population so far transcends the multiplication of the means of subsistence, that the constant labor of nine tenths of our species will forever be necessary to prevent all of them from starving with hunger, cold, and pestilence. Make all men Newtons, or, if you will, Jeffersons, or Taylors, or Randolphs, and they would all perish in a heap!

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Knowledge, therefore, sir, can never be equally divided among mankind, any more than property, real or personal, any more than wives or women.

> In pride, in reasoning pride, our error lies,
> All quit their sphere, and rush into the skies;
> Pride still is aiming at the blest abodes,
> Men would be angels, angels would be gods,
> Aspiring to be gods, if angels fell,
> Aspiring to be angels, men rebel.

The modern improvers of society, — ameliorators of the condition of mankind, instructors of the human species, — have assumed too much. They have not only condemned all the philosophy and policy of all ages of men, but they have undertaken to build a new universe, to ameliorate the system of eternal wisdom and benevolence. I wish, sir, that you would agree with me and my, and, I hope, your friends, Pope and Horace.

> This vault of air, this congregated ball,
> Self-centred sun, and stars that rise and fall,
> There are, my friend, whose philosophic eyes
> Look through, and trust the Ruler with his skies.

> Hunc solem, et stellas, et decedentia certis
> Tempora momentis, sunt qui formidine nullâ
> Imbuti spectent.

Turn our thoughts, in the next place, to the characters of learned men. The priesthood have, in all ancient nations, nearly monopolized learning. Read over again all the accounts we have of Hindoos, Chaldeans, Persians, Greeks, Romans, Celts, Teutons, we shall find that priests had all the knowledge, and really governed all mankind. Examine Mahometanism, trace Christianity from its first promulgation; knowledge has been almost exclusively confined to the clergy. And, even since the Reformation, when or where has existed a Protestant or dissenting sect who would tolerate A FREE INQUIRY? The blackest billingsgate, the most ungentlemanly insolence, the most yahooish brutality is patiently endured, countenanced, propagated, and applauded. But touch a solemn truth in collision with a dogma of a sect, though capable of the clearest proof, and you will soon find you have disturbed a nest, and the hornets will swarm about your legs and hands, and fly into your face and eyes.

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When we are weary of looking at religion, we will, if you please, turn our eyes to government. Is there toleration in politics? Where shall we find it, if not in Virginia? The Honorable John Randolph informs us that, in consequence of the independence of his soul, he is on bad terms with the world; that his nerves are of too weak a fibre to bear the questions ordinary and extraordinary from our political inquisitors; talks of the rancorous hatred of the numerous enemies he has made in his course; and says, that the avenue to the public ear is shut against him in Virginia, where the press is under a virtual *imprimatur*, and where it would be easier to force into circulation the treasurer's notes, than opinions militating against the administration, through the press. If these things are so in Virginia, sir, where Callender was applauded, nourished, cherished, and paid; where the great historian, Wood, who wrote and printed the elegant and classical History of the Administration of John Adams, was kindly received and employed; and where the sedition act, the gag law, was so unpopular; where can we look with any prospect or hope of finding a candid freedom of the press? The truth is, party opinions, interests, passions, and prejudices may be as decisive an *imprimatur* as that of a monarch; and the public opinion, which is not always right, until it is too late, is sometimes as arbitrary a prohibition as an *index expurgatorius*. I hope it will be no offence to say, that public opinion is often formed upon imperfect, partial, and false information from the press. Public information cannot keep pace with facts. Knowledge cannot always accompany events. How many days intervene between a victory or a defeat, and the universal knowledge of it? How long do *we* wait for the result of a negotiation? How many erroneous public opinions are formed in the intervals? How long is a law enacted before the proclamation of it can reach the extremities of the nation?

XXXII.

A FEW words more concerning the characters of literary men. What sort of men have had the conduct of the presses in the United States for the last thirty years? In Germany, in England, in France, in Holland, the presses, even the newspapers,

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have been under the direction of learned men. How has it been in America? How many presses, how many newspapers have been directed by vagabonds, fugitives from a bailiff, a pillory, or a halter in Europe?

You know it is one of the sublimest and profoundest discoveries of the eighteenth century, that knowledge is corruption; that arts, sciences, and taste have deformed the beauty and destroyed the felicity of human nature, which appears only in perfection in the savage state, — the children of nature. One writer gravely tells us that the first man who fenced a tobacco yard, and said, "this is mine," ought instantly to have been put to death; another as solemnly says, the first man who pronounced the word "dieu," ought to have been despatched on the spot; yet these are advocates of toleration and enemies of the Inquisition.[1]

I never had enough of the ethereal spirit to rise to these heights. My humble opinion is, that knowledge, upon the whole, promotes virtue and happiness. I therefore hope that you and all other gentlemen of property, education, and reputation will exert your utmost influence in establishing schools, colleges, academies, and universities, and employ every means and opportunity to spread information, even to the lowest dregs of the people, if any such there are, even among your own domestics and John Randolph's serfs. I fear not the propagation and dissemination of knowledge. The conditions of humanity will be improved and ameliorated by its expansion and diffusion in every direction. May every human being, — man, woman, and child, — be as well informed as possible! But, after all, did you ever see a rose without a briar, a convenience without an inconvenience, a good without an evil, in this mingled world? Knowledge is applied to bad purposes as well as to good ones. Knaves and hypocrites can acquire it, as well as honest, candid, and sincere men. It is employed as an engine and a vehicle to propagate error and falsehood, treason and vice, as well as truth, honor, virtue, and patriotism. It composes and pronounces, both panegyrics and philippics, with exquisite art, to confound all distinctions in society between right and wrong. And if I admit, as I do, that truth generally

[1] *Vide* Rousseau and Diderot *passim*.

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prevails, and virtue is, or will be triumphant in the end, you must allow that honesty has a hard struggle, and must prevail by many a well-fought and fortunate battle, and, after all, must often look to another world for justice, if not for pardon.

There is no necessary connection between knowledge and virtue. Simple intelligence has no association with morality. What connection is there between the mechanism of a clock or watch and the feeling of moral good and evil, right or wrong? A faculty or a quality of distinguishing between moral good and evil, as well as physical happiness and misery, that is, pleasure and pain, or, in other words, a CONSCIENCE, — an old word almost out of fashion, — is essential to morality.

Now, how far does simple, theoretical knowledge quicken or sharpen conscience? La Harpe, in some part of his great work, his Course of Literature, has given us an account of a tribe of learned men and elegant writers, who kept a kind of office in Paris for selling at all prices, down to three livres, essays or paragraphs upon any subject, good or evil, for or against any party, any cause, or any person. One of the most conspicuous and popular booksellers in England, both with the courtiers and the citizens, who employed many printers and supported many writers, has said to me, "the men of learning in this country are stark mad. There are in this city a hundred men, gentlemen of liberal education, men of science, classical scholars, fine writers, whom I can hire at any time at a guinea a day, to write for me for or against any man, any party, or any cause." Can we wonder, then, at any thing we read in British journals, magazines, newspapers, or reviews?

Where are, and where have been, the greatest masses of science, of literature, or of taste? Shall we look for them in the church or the state, in the universities or the academies? among Greek or Roman philosophers, Hindoos, Brahmins, Chinese mandarins, Chaldean magi, British druids, Indian prophets, or Christian monks? Has it not been the invariable maxim of them all to deceive the people by any lies, however gross? "Bonus populus vult decipi; ergo decipiatur."

And after all that can be done to disseminate knowledge, you never can equalize it. The number of laborers must, and will forever be so much more multitudinous than that of the students, that there will always be giants as well as pygmies, the

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former of which will have more influence than the latter; man for man, and head for head; and, therefore, the former will be aristocrats, and the latter democrats, if not Jacobins or *sans culottes.*

These morsels, and a million others analogous to them, which will easily occur to you, if you will be pleased to give them a careful mastication and rumination, must, I think, convince you, that no practicable or possible advancement of learning can ever equalize knowledge among men to such a degree, that some will not have more influence in society than others; and, consequently, that some will always be aristocrats, and others democrats. You may read the history of all the universities, academies, monasteries of the world, and see whether learning extinguishes human passions or corrects human vices. You will find in them as many parties and factions, as much jealousy and envy, hatred and malice, revenge and intrigue, as you will in any legislative assembly or executive council, the most ignorant city or village. Are not the men of letters, — philosophers, divines, physicians, lawyers, orators, and poets, — all over the world, at perpetual strife with one another? Knowledge, therefore, as well as genius, strength, activity, industry, beauty, and twenty other things, will forever be a natural cause of aristocracy.

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REVIEW

OF

THE PROPOSITIONS

FOR

AMENDING THE CONSTITUTION

SUBMITTED BY

MR. HILLHOUSE

TO THE

SENATE OF THE UNITED STATES,

IN 1808.

J. A.

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REVIEW.

AMONG the manuscripts of Mr. Adams was found the following review of a pamphlet published in 1808, entitled "Propositions for Amending the Constitution of the United States, submitted by Mr. Hillhouse to the Senate, on the twelfth day of April, 1808, with his Explanatory Remarks." It seems to have been prepared for publication, though no trace of it has been found in print. For the better understanding of the strictures, it is necessary to give, in the first place, the amendments as they were proposed by Mr. Hillhouse.

ARTICLE THE FIRST.

After the third day of March, one thousand eight hundred and thirteen, the house of representatives shall be composed of members chosen every year by the people of the several states; their electors in each state shall have the qualifications requisite for electors of the most numerous branch of the state legislature; and their term of service shall expire on the first Tuesday of April in each year.

ARTICLE THE SECOND.

After the third day of March, 1813, the senators of the United States shall be chosen for three years; and their term of service shall expire on the first Tuesday of April.

Immediately after they shall be assembled in consequence of the first election, they shall be divided as equally as may be, into three classes. The seats of the first class shall be vacated at the expiration of the first year; of the second class, at the expiration of the second year; and of the third class, at the expiration of the third year; so that one third may be chosen every year. Vacancies to be filled as already provided.

ARTICLE THE THIRD.

On the third day of March, 1813, the president of the United States shall be appointed, and shall hold his office until the expiration of the first Tuesday of April, 1814. And on the first Tuesday of April, 1814, and on the first Tuesday of April in each succeeding year, the president shall be appointed to hold his office during the term of one year. The mode of appointment shall be as follows: —

In presence of the senate and house of representatives, each senator belong-

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ing to the class whose term of service will first expire, and constitutionally eligible to the office of president, of which the house of representatives shall be the sole judges, and shall decide without debate, shall, beginning with the first on the alphabet, and in their alphabetical order, draw a ball out of a box containing the same number of uniform balls as there shall be senators present and eligible, one of which balls shall be colored, the others white. The senator who shall draw the colored ball shall be president. A committee of the house of representatives, to consist of a member from each state, to be appointed in such manner as the house shall direct, shall place the balls in the box, shall shake the same so as to intermix them, and shall superintend the drawing thereof.

In case of the removal of the president from office, or of his death, resignation, or inability to discharge the powers and duties thereof, if congress be then in session, or if not, as soon as they shall be in session, the president shall, in the manner beforementioned, be appointed for the residue of the term. And, until the disability be removed, or a president be appointed, the speaker of the senate shall act as president. And congress may, by law, provide for the case of removal by death, resignation, or inability of the president, and vacancy in the office, or inability of the speaker of the senate; and such officer shall act accordingly, until the disability of the president be removed, or another be appointed.

The seat of a senator who shall be appointed as president, shall thereby be vacated.

ARTICLE THE FOURTH.

After the third day of March, 1813, the compensation of the president shall not exceed fifteen thousand dollars a year.

ARTICLE THE FIFTH.

After the third day of March, 1813, the office of vice-president shall cease. And the senate, on the same day in each year, when the president shall be annually appointed, shall choose a speaker; and, in the absence of the speaker, or when he shall exercise the office of president, the senate shall choose a speaker *pro tempore*.

ARTICLE THE SIXTH.

After the third day of March, 1813, the president shall nominate, and by and with the advice and consent of the senate and of the house of representatives, shall appoint ambassadors, other public ministers and consuls, judges of the supreme court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law. But congress may, by law, vest the appointment of such officers as they think proper, in the president, by and with the advice and consent of the senate; and of the inferior officers in the president alone, in the courts of law, or in the heads of departments. But no law, vesting the power of appointment, shall be for a longer term than two years. All proceedings on nominations shall be with closed doors and without debate; but information of the character and qualifications of the person nominated, shall be received.

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ARTICLE THE SEVENTH.

After the third day of March, 1813, the president shall have power to fill all vacancies that may happen during the recess of congress, by granting commissions which shall expire at the end of their next session. No removal from office shall take place without the consent of the senate and of the house of representatives. But congress may, by law, authorize the removal by the same power, as may by law be authorized to make the appointment. But in every case of misconduct in office, where the consent of the senate, or of the senate and house of representatives, shall be necessary to a removal, the president, during the recess of congress, may suspend the officer, and make a temporary appointment of a person to exercise the office, until the next meeting of congress, and until a decision can be had by the senate, or by the senate and house of representatives, as the case may be, on a question for the removal of the officer suspended. All proceedings respecting removal from office shall be had, without debate, upon the information and reasons which shall be communicated by the president, and with closed doors.

These radical propositions, coming as they did from a leading member of the party originally formed for the purpose of sustaining the federal constitution, and supported by him in an elaborate speech, were well calculated to fix the attention of Mr. Adams. It is not unlikely that he gave to the plan more importance, as a political movement, than it merited; for it does not appear to have been followed up, either by the originator or any one else. This may be the reason why the review was never published. The general argument is, however, of a permanent nature, and deserves to be placed among the memorials of the author.

When a speech or a pamphlet appears in public from the press, the most rational course would be to read it and judge of its merits, without prejudice. But republican jealousy is so much the spirit of the times, that the first question is, who is the author? of what party is he? what are his motives? and whose election is he aiming to promote? This inquisitive temper has been sufficiently alive concerning the publication of Mr. Hillhouse. Some have conjectured that his design was, to throw the nation into confusion, in hopes that a better order than prevails at present, might arise out of it. Others have suggested that this work is a burlesque on the crude projects of amendment which appear in such numbers. One set of men have suspected that this gentleman has been so long in public

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business, and has been so much disappointed, becoming yearly of less and less influence, and, at present, finding himself in a minority, consisting at most of three or four in the senate, that he is grown impatient, and determined, at any rate, to make himself a name, and increase his importance. I shall leave these uncandid insinuations to those who delight in them; and take it for granted, that Mr. Hillhouse is sincere, that he honestly believes what he says, and proposes his amendments for the public good. It shall be my endeavor to be as concise as possible, in a few observations which, I hope, may show in a clear light, the merit of his work.

In pages five and six, Mr. Hillhouse defines his terms, — *monarchy*, *aristocracy*, and *democracy*, *federalists* and *republicans*. I shall make no objection to any thing here, but his idea of aristocracy. But before I come to that, I must take notice of what he says at the bottom of page six.

"Some of the important features of our constitution were borrowed from a model which did not very well suit our condition. I mean the constitution and government of England, — a mixed monarchy, — in which monarchy, aristocracy, and democracy are so combined, as to form a check on each other. One important and indispensable requisite of such a government is, that the first two branches should be hereditary."

Would it not have been more conformable to the fact to have said, that those important features of our constitution were borrowed from our colonial constitutions? Every colony on the continent, except Pennsylvania, had a governor, a council or senate, and a house of representatives. The governors were not hereditary; the counsellors were not hereditary. Some of the governors were chosen by the people, and so were some of the councils. Some were appointed by the king, but commonly changed upon an average of less than seven years. There is little difference between our present governments and those under which our ancestors emigrated, lived, and, after having founded a respectable and flourishing nation, died; excepting that their governors were appointed from abroad, and our presidents and governors are chosen by ourselves. I am sorry to add, that we show the executives of our own choice and own blood infinitely less respect than our ancestors did those who were foreigners and appointed by a king. Governments, there-

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fore, may be mixed and compounded of monarchical, aristocratical, and democratical ingredients, without one particle of hereditary power or privilege in them, except the common privileges of the people, such as their hereditary lands, goods, and liberties. Say, if you will, that in such an empire as the British, it is necessary that the executive and senate should be hereditary, because elections to these powers would totally corrupt the nation, produce a civil war, and raise a military despotism at the first trial. But, in an experiment of twenty years, we have not yet found such dangers among us.

Mr. Hillhouse further observes, that "to form an aristocracy, hereditary succession is indispensable." But Mr. Hillhouse is mistaken. Holland was an aristocracy; but the burgomasters, pensionaries, counsellors, and schepens, in whom the sovereignty resided, were not hereditary. There is a small number of nobles in the legislature of each state, but this body has but one vote. Every city has an equal vote with the whole body of nobles, and, in critical times, they have no influence. Bern was an aristocracy; but the members of the grand council were not hereditary, but elective. There were six noble families; but they had no prerogatives, but mere precedency; and these were not counsellors, unless elected into a legislature of two hundred and ninety-nine members, — counsellors and assessors.

In short, hereditary powers and peculiar privileges enter in no degree into the definition of aristocracy. There may be an aristocracy for life, or for years, or for half a year, or a month, or a day. Infinite art and chicanery have been employed in this country to deceive the people in their understanding of this term *aristocracy*, as well as of that of *well-born*, as if aristocracy could not exist without hereditary power and exclusive privileges; and as if a man could not be well-born, without being a hereditary nobleman and a peer of the realm.

Chancellor Livingston inherited a name, numerous and wealthy family connections, and a fine manor. These are all hereditary privileges, and have given him more influence in this country than all the titles and immense landed estates of the Duke of Norfolk, with all the hereditary rank and seat in the house of lords, have given him in England. Mr. John Randolph inherited his name, family connections, his fine plantations and thousand negroes, which have given him more power in this

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country than the Duke of Bedford has in England, and more than he would have, if he possessed all the brilliant wit, fine imagination, and flowing eloquence of that celebrated Virginian. Were not, then, Mr. Livingston and Mr. Randolph well-born? The state of Connecticut has always been governed by an aristocracy, more decisively than the empire of Great Britain is. Half a dozen, or, at most, a dozen families, have controlled that country when a colony, as well as since it has been a state. An aristocracy can govern the elections of the people without hereditary legal dignities, privileges, and powers, better than with them. In the Massachusetts, many of our prime quality were banished in the Revolution. Most of our present rulers are new men. But these have been promoted by an aristocracy.

Mr. Hillhouse says, "the United States do not possess the materials for forming an aristocracy." But we do possess one material which actually constitutes an aristocracy that governs the nation. That material is wealth. Talents, birth, virtues, services, sacrifices, are of little consideration with us. The greatest talents, the highest virtues, the most important services are thrown aside as useless, unless they are supported by riches or parties, and the object of both parties is chiefly wealth. When the rich observe a young man, and see he has talents to serve their party, they court and employ him; but if he deviates from their line, let him have a care. He will soon be discarded. In the Roman history we see a constant struggle between the rich and the poor, from Romulus to Cæsar. The great division was not so much between patricians and plebeians, as between debtor and creditor. Speculation and usury kept the state in perpetual broils. The patricians usurped the lands, and the plebeians demanded agrarian laws. The patricians lent money at exorbitant interest, and the plebeians were sometimes unable and always unwilling to pay it. These were the causes of dividing the people into two parties, as distinct and jealous, and almost as hostile to each other, as two nations. Let Mr. Hillhouse say, whether we have not two parties in this country springing from the same sources? Whether a spirit for speculation in land has not always existed in this country, from the days of William Penn, and even long before? Whether this spirit has not become a rage, from Georgia to New Hampshire,

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within the last thirty years? Whether foundations have not been laid for immense fortunes in a few families, for their posterity? Whether the variations of a fluctuating medium and an unsteady public faith have not raised vast fortunes in personal property, in banks, in commerce, in roads, bridges, &c.? Whether there are not distinctions arising from corporations and societies of all kinds, even those of religion, science, and literature, and whether the professions of law, physic, and divinity are not distinctions? Whether all these are not materials for forming an aristocracy? Whether they do not in fact constitute an aristocracy that governs the country?

On the other side, the common people, by which appellation I designate the farmers, tradesmen, and laborers, many of the smaller merchants and shopkeepers, and even the unfortunate and necessitous who are obliged to fly into the wilderness for a subsistence, and all the debtors, cannot see these inequalities without grief and jealousy and resentment. A farmer or a tradesman, who cannot, by his utmost industry and frugality, in a life of seventy years, do more than support a moderate family, and lay up four or five thousand dollars, must think it very hard when he sees these vast fortunes made *per saltum*, these mushrooms growing up in a night; and they throw themselves naturally into the arms of a party whose professed object is to oppose the other party.

Two such parties, therefore, always will exist, as they always have existed, in all nations, especially in such as have property, and, most of all, in commercial countries. Each of these parties must be represented in the legislature, and the two must be checks on each other. But, without a mediator between them, they will oppose each other in all things, and go to war till one subjugates the other. The executive authority is the only mediator that can maintain peace between them.

Mr. Hillhouse thinks, "we have not the means of making an aristocratical branch to our government." I think we have the means, and that we have in fact, an aristocratical branch to our government, and that is, the senate; and a very useful, honorable, and necessary branch it is; but it would be more useful and more safe, if every particle of executive power was taken away from it. There are materials in great plenty, out of which to form this aristocratical branch. Mercuries ought not, indeed, to

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be sculptured out of every kind of wood; but there are gentlemen of fortune, talents, experience, and integrity, in every state, out of whom the legislatures may select the most eminent, and so they might, if the number of senators were doubled, as I wish it was, and hope it will be. These would compose an aristocratical branch, as respectable as any in the world. Our senate for twenty years has been very well chosen, and has abounded with able and excellent men. How Mr. Hillhouse can be at a loss for means of making an aristocratical branch, I know not. Our senators are not hereditary, nor have they any exclusive privileges, nor are these necessary, so long as we have not a hereditary executive; nor is a hereditary executive necessary, so long as we have not a hereditary senate. When one is so, the other must be, or it will be no check.

It is to no purpose to declaim against "demagogues." There are as many and as dangerous aristocratical demagogues as there are democratical. Neither party will get any thing by such invectives. Sylla and Pompey were as arrant, aristocratical demagogues as Marius and Cæsar, or even Catiline, were democratical ones. Sylla was more cruel than Marius, and Pompey had less humanity than Cæsar. Even Cicero and Brutus, the honestest men in Rome, were but aristocratical demagogues; and Milo was as much an agitator for the patricians as Clodius for the plebeians; and Hamilton was as much a demagogue as Burr. An independent executive, to mediate between the two parties, was wanting, and this defect was the ruin of the Roman republic, and will be ours, if Mr. Hillhouse's motion prevails. When Mr. Hillhouse declares that, "when a citizen claims to be an exclusive patriot, and is very officious in proclaiming his own merit, it is time for the people to be alarmed," I agree with him. But, I must add, when a senator declaims against executive influence under our constitution, it is time for the people to be upon their guard against an aristocratical spirit and preponderance.

Further, Mr. Hillhouse says, "there is always such a spirit of jealousy existing between aristocracy and democracy, and between monarchy and democracy, they cannot long exist together without a third balancing power." Mr. Hillhouse should have added, an equal jealousy between aristocracy and monarchy, and then I should have agreed with him. But this last jealousy

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it was not convenient for Mr. H. to acknowledge. He says, "as well might a man take up his abode in a tiger's den, as aristocracy with democracy, unless protected by the strong arm of monarchy." And I say, as well might a man take up his abode with Shadrach, Meshech, and Abednego, in the fiery furnace, as democracy with aristocracy, without the strong arm of monarchy to protect it. Witness the thirty tyrants of Athens and the decemvirs at Rome, and every other instance since the creation, in which democracy has been in the power of aristocracy. I say further, that as well might a man take up his abode with Daniel in the lion's den as monarchy with aristocracy, without the million arms of democracy to defend it. All these jealousies exist in some degree; but the greatest jealousy of all, is that of aristocracy against monarchy. Aristocracy is the natural enemy of monarchy; and monarchy and democracy are the natural allies against it, and they have always felt the necessity of uniting against it, sooner or later. Hence the ultimate destruction of all republics. The aristocracy would not suffer the executive to have power to defend the constitution, to defend itself, or to defend the people. The aristocracy has oppressed the people and the executive, till the people, out of all patience, have given the aristocracy, and themselves, too, a master. As to "surrounding the throne by a powerful aristocracy," they have always proved to be prætorian guards, and cut off the head of their general, when the discipline of the laws has, by any calamity, been weakened. It is true, when the people have been seditious and rebellious against them, their property, privileges, and distinctions, they have united with the executive to defend themselves. Like fire, they are good servants, but all-consuming masters.

Little need be said on shortening the period of the elections of the two houses. This, instead of diminishing the spirit of party, will only increase and inflame it. There will be no time for it to cool. The causes of the two parties I have already shown to be permanent and unchangeable. Both must be represented in the legislature, and there must be a mediator between them in the executive. This mediator must have power for the purpose. He must calm and restrain the ardor of both, and be more impartial between them than any president ever

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yet has been.[1] And the senators themselves must not constrain him to be partial, as they so often have done. Their power to do so, instead of being increased, as Mr. Hillhouse proposes, ought to be wholly taken from them. They ought to have nothing to do with executive power. If Mr. Hillhouse, however, should carry this point, and the people, instead of being glutted and satiated with elections, should wish to double the number, I hope he will introduce that admirable aristocratical invention of Connecticut, — a nomination list, — that every thing may not depend upon the election fever, — the *ictus febrilis* of one election day.

The sixth article of Mr. Hillhouse's amendments reduces the president's office to that of a mere Doge of Venice, a mere head of wood, a mere tool of the aristocracy of the country. He is to be appointed by chance from the most aristocratic branch, — the senate. Although the senators in general have been respectable men, and some of them illustrious for virtues, talents, experience, and services, yet it must be confessed, that there have been very weak men in that body. These will have as good a chance as the best. A Blount, or a Burr, as good a chance as an Ellsworth, or a Strong, or a Richard Henry Lee. But this is of less importance than the proposal to submit all nominations and removals to the senate and house of representatives. There never was, and never can be, a project more perfectly aristocratical than this.

Mr. Hillhouse informs us, that "man is fond of power." True. But is not man, in the shape of a senator or a representative, as fond of power as a president? Mr. H. also admonishes us, that "ambition and favoritism," (and he should have added, avarice, jealousy, envy, hatred, love, and lust,) "are evils to be guarded against in a republican government." True, again; but are not ambition and favoritism, and all other vicious passions and sinister interests, as strong and active in a senator or a representative as in a president? Cannot, indeed, the members of the legislature conceal their private views and improper motives more easily than a president? [Every senator and every repre-

[1] It is difficult to suppose any president will be impartial between two parties, to one of which he must owe his own elevation, and see in the other all his enemies.

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sentative has in his own district friends and favorites, to whose esteem, affection, activity, and influence, he has been indebted for his election. Is it not natural, that his mutual esteem, affection, and gratitude to these friends, should excite him to exert himself in obtaining favors, offices, and employments for them? Mr. Hillhouse probably knows, that great pains have sometimes been taken by senators, and representatives, too, to obtain nominations to offices, sometimes for themselves, and sometimes for their favorites; sometimes with success, and sometimes without.

Again, has Mr. Hillhouse never known combinations and consultations between general officers, heads of department, leading members of the senate and house of representatives, I will not say to overawe, but to influence the president in favor of some appointments, and against others? Has he never known such combinations resisted, and nominations made in opposition to them all? I say, such instances have been; and such nominations have proved the most fortunate, important, and successful of any that were ever made under the constitution. Has Mr. Hillhouse never known combinations and committees of senators sent to the president, to remonstrate privately against nominations? and when they could not prevail, have they not obtained majorities in senate to negative such nominations? Mr. Hillhouse has known favoritisms and anti-favoritisms enough in both houses, I should think, to be convinced that favoritism would be increased by his project, at least one hundred and fifty-fold.

Let us now consider how Mr. Hillhouse's project would operate. The president sends a nomination to the senate. Probably the person named has been selected by the president out of twenty candidates, who have been previously recommended to him by some senator and some representative. Nineteen senators are of course disappointed, because their favorites have been set aside. These nineteen will then combine together to negative the present nomination, in hopes that their favorites will have a better chance at the next time. There is to be no debate. How is this possible? Members are to give information, and information may be sent in from abroad, by petition or remonstrance. Vices, follies, crimes, incapacity, may be alleged and contradicted. How can these questions be deter-

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mined but by witnesses, and how can false witnesses be counteracted but by confrontation? And, after all, the favorite member of the senate, by intrigue, artifice, or eloquence out of doors, will carry his candidate. After this, it must go down to the house of representatives; and what will happen there? The member who has previously recommended him to the president will rise and give him a character. Twenty other members, perhaps a hundred, who have recommended another man, or other men, will be disappointed. Sins and crimes and disqualifications may be alleged against the nomination. The subject will be postponed for days or weeks. In the mean time, caucuses will be held of evenings, combinations will be formed, and the favorite members of the house will carry their favorites.

But removals from office, too, must be laid before both houses. The mischiefs and inconveniences of this would be greater, if possible, than of the other. The officers of the army, navy, and revenue are necessarily numerous. Complaints and accusations often occur; these must be laid before congress. Witnesses must be summoned, examined, and cross-examined. Counsel would be humbly requested; it would be inhumanity to refuse it. Parties, cabals, and caucuses would be formed, and corruption introduced in a thousand shapes. Those who had favorites gaping for the place, would be tempted too slightly to vote for removal; and those who had no such favorites to gratify, would be too tender. The year would be too short for both houses to go through with all these appointments and removals. Again, how is military discipline to be maintained in your army and navy? How is the subordination of the military to the civil power to be supported? Give your general an estate for life in his office, defeasible only on the vote of the two houses, and he will soon be master of your president; he will soon have ten times as much influence in the nation.

To illustrate this subject still further, recollect the instances already recorded. In the case of Blount, a conspiracy was fully proved, — to dismember the empire, and carry off an immense portion of it to a foreign dominion; yet how much time was consumed, and how much debate excited, before that important subject could be decided! and the accused person, with all his guilt upon his head, was finally suffered to escape with

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impunity. In the case of Judge Pickering, — although his incapacity to discharge the functions of his office was indisputable, and although incapacity and non-user are a legal forfeiture of a judicial office; yet, it is well remembered how much time was necessarily employed in the investigation of the law and the evidence, and how much the house and the senate were divided in opinions on the final decision. In the case of Judge Chase, — the time, the expense, and the public anxiety of his impeachment and trial are well known, and how much exertion of the ablest and best men in the legislature, as well as of the counsel, were requisite to save a great and upright judge from unmerited ignominy, disgrace, and ruin. In the more recent case of Mr. John Smith, of Ohio, — what a vast expense of time and money and travel, what numbers of witnesses, what intricate questions of law, as well as collisions of testimony, occurred, and how critical was the final determination upon his innocence! In the case of General Wilkinson, — the complication of law and facts, the length of time through the whole of which his conduct is to be examined, the number of witnesses, the various parts of the Union from whence they must be collected, the conflicts of parties, the great legal and political questions which arise, and the vast importance to the public as well as the individual, are all to be taken into consideration. The time already passed in this inquiry is very great; and how much longer it will continue to irritate and inflame the public and divide the nation, no man can conjecture. The case of Colonel Burr is the most remarkable of all. If this was to be tried, first in the senate, and then in the house of representatives, when would it have an end? and who can pretend to divine what would be the decision?

Now every custom-house officer, every judge, and every marshal, every attorney-general and district-attorney, every secretary of state, treasury, war, or navy, and every officer of the army or navy, every postmaster, general or particular, would have as fair a right to a public and impartial trial, as a judge of the supreme court, upon an impeachment. In trials at law the jurors cannot be solicited; but the solicitations of members of congress, from culprits and their friends, would be infinite; and, where guilt or innocence is to be determined by a single vote in one hundred and fifty, as would often happen, if a corrupt

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member could be found, a bribe would not seldom be offered. Especially in cases where foreign interests and intrigues could intervene.

This is the system Mr. Hillhouse would introduce. It may without scruple be pronounced, though Mr. Hillhouse certainly did not see it in that light, the most corrupt project that ever was conceived by a man of sense and virtue. The endless confusion and distraction that would arise from it, would be as certain as its injustice, inhumanity, and corruption.

The appointment and removal of ambassadors and foreign ministers and consuls, as well as judges and general officers and admirals, would take the whole year, and convulse the continent. Take away from the president the nominations to those offices, and give it to every member of the senate and house, and how many nominations would there be to every vacancy? The disputes would be endless between the North and the South, the East and the West. One state would have more than its proportion, and others less. The question would be more concerning the abode of the candidate, and less concerning the talents, qualifications, and merits, than ever it has been yet; and it has already, and always been, more so than it ought to have been for the public good. The members of the house of representatives are so numerous, and often so young and inexperienced, that they must vote for men, nine times in ten, of whom they know nothing, not even by common fame; and as often will be incompetent to judge of the appropriate qualifications for the office.

The old congress was a small body of men, in comparison of the present two branches, and their deliberations were always in secret; yet, if there is anybody living who was present, and knew the contests on the appointments of general officers and foreign ministers, let him recollect the disputes about Dr. Franklin, Silas Deane, and Arthur and William Lee; Mr. Izard, Mr. Williams, Mr. Morris, Commodore Jones, Captain Landais, and Lieutenant Simpson; General Lincoln, General Arnold, General Wooster, Commodore Hopkins, and many others; nay, even concerning General Washington, General Ward, General Lee, General Schuyler, and General Gates, &c.; and he must remember that congress was torn to pieces by these disputes, and that days and months and years were wasted in such controversies, to the inexpressible injury of the service.

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To these causes are to be attributed the wants of the army, the distresses of General Washington, the loss of Canada, after we had conquered all but Quebec, the loss of the Penobscot enterprise, and almost all the disasters of the war. The complaints against general officers, the financier and his agents, and especially against foreign ministers, were as perpetual and endless as the debates in congress, not to say intrigues, to the delay and neglect of the most essential measures for the support and supply of the army and navy.

No! the real fault is, that the president has not influence enough, and is not independent enough. Parties will not allow him to act himself. For twelve years one party prevailed, and that party would not allow their presidents to be impartial. The other party has now prevailed eight years, and they have not permitted their president, in many instances, to act his own judgment. The power of removal was never abused in the first twelve years, except, perhaps, in two instances, and those removals were made at the earnest and repeated solicitations of all the members of the house, and one of the members of the senate, from New Hampshire, much against the inclination of the president. Representations of misconduct in office were made to the president, and probably credited by those members of congress; but there is now reason to suspect, that they were dictated by too much of a party spirit.

In short, presidents must break asunder their leading strings, and the people must support them in it. They must unite the two parties, instead of inflaming their divisions. They must look out for merit, wherever they can find it; and talent and integrity must be a recommendation to office, wherever they are seen, though differing in sentiments from the president, and in an opposite party to that whose little predominance brought him into power.

People of the United States! — you know not half the solicitude of your presidents for your happiness and welfare, nor a hundredth part of the obstructions and embarrassments they endure from intrigues of individuals of both parties. You must support them in their independence, and turn a deaf ear to all the false charges against them. But, if you suffer them to be overawed and shackled in the exercise of their constitutional powers, either by aristocratical or democratical manœuvres, you

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will soon repent of it in bitter anguish. Anarchy and civil war cannot be far off. Whereas, by a steady support of the independence of the president's office, your liberties and happiness will be safe, in defiance of all foreign influence, French or English, and of all popular commotion and aristocratical intrigue.

The proposal of diminishing the president's salary to fifteen thousand dollars, is so mean a thought that it scarcely deserves to be mentioned. If the present compensation is too high for seven or eight millions of industrious people, possessing a very fertile and productive agricultural country, and the second commerce in the universe, to support a president who represents their majesty, and must support their dignity in the eyes of all nations and people, let it be diminished by an amendment of the constitution, as it is, without making the president a mere painted head of a ship, made of wood, and incapable of being helmsman or pilot.

In several passages, Mr. Hillhouse is very anxious, and with great reason, about party spirit. He calls it a demon and a fiend, by a figure which is natural enough, for indeed it is

> A monster of so frightful mien
> As, to be hated, needs but to be seen.

But how shall this monster be chained? How shall this foul fiend be exorcised? Sermons, orations, speeches, pamphlets, odes, hymns, and heroic poems, have been long enough tried, to no purpose. Homer, Milton, and Spenser, whose immortal poems were all written expressly to show the dreadful effects of party spirit and discord among aristocratic *chiefs*, and the passions of envy, jealousy, ambition, and revenge, from whence they sprung, have been as little heeded as Mr. Hillhouse and his humble reviewer will be. It is a devil, I believe, that will not be cast out even by fasting and prayer. It was turned out of paradise with the first pair, immediately made a division in their family, and produced a duel or an assassination between their first two sons. From that family it has descended through all successive generations to the present most enlightened and virtuous age, and still produces assassinations and duels as frequently as ever. It inhabits all climes, and is found under all forms of government. It prevails in Turkey and Persia, Morocco and Tripoli, as well as in France and England; and in every

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tribe of savages in Africa and America, as well as among the most enlightened people on earth. There never existed three men together, two of whom did not love one another better than either of them loved the third, and better than the third loved either of the other two. If this fact be indubitable, as I believe it is, it will necessarily follow, that three men never lived together without a party spirit among them.

In despotisms and simple monarchies it is well known by what means the monster is quelled; but in limited monarchies and free republics the conquest is attended with more difficulty. If Mr. Hillhouse will run over in his thoughts all his researches into history and the science of government, he will oblige the public by pointing out one instance, in which party spirit has been confined within any bounds compatible with public good and national happiness, but by a counterpoise of interests, passions, and parties. Party spirit confounds the distinctions between truth and falsehood, right and wrong, and it corrupts the moral sense. There can be, therefore, no ultimate remedy in any moral principle or political maxim, against its final and fatal excesses. Nothing but power lodged somewhere in impartial hands can ever moderate, soften, or control it.

When Mr. Hillhouse says, that "state or local parties will have but a feeble influence on the general government," I cannot comprehend him. Will not a state party avail itself of the influence of the general government, to increase its own influence at home, and to diminish that of its rival? Will not a local party request Mr. Pickering, Mr. Hillhouse, and Mr. Ely, to write public and private letters to stimulate their own friends and disgrace their antagonists? And will not the opposite party avail themselves of even a letter from a man of no party, whose conscience is not yet seared with the red hot iron of faction, to support itself if it can? Will not both parties cut off at a blow at present, and after some time, perhaps by a proscription or a guillotine, or a banishment to Cayenne or to Botany Bay, every man who dares to vote or speak or write from his conscience and his honor? "Curse ye Meroz, curse ye bitterly the inhabitants thereof, because they came not up to the help of the Lord, to the help of the Lord against the mighty," is the language of all parties; and when it is infallibly known to be the cause of the Lord, it is just; but when it is the cause of

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mere faction, the language should be changed to "cursed be their anger, for it was fierce; and their wrath, for it was cruel." The time is well remembered when Mr. Madison, Mr. Giles, and several other members of congress, finding themselves unable to elevate their party in the great council of the nation, resigned their seats, and became members of their state legislatures, in order to revolutionize the primary assemblies, influence the elections to the general government, and overawe the national measures. Mr. Hillhouse, no doubt, remembered the great efforts, and, among many others, the representations and legislative pamphlets against the alien law and sedition law. He must clearly see, and readily acknowledge, that his amendments will be no remedy against such party spirit and party contrivances. Senators and representatives of the national government, and ministers of state, too, will continue to resign, in order to increase their fame, to be made governors at home, and promote the views of their party; and, on the other hand, governors, &c., of states will resign to be made senators, vice-presidents, secretaries of state, judges, and presidents. As long as the state governments retain their sovereignty, that is, their legislatures, or, in other words, as long as the national government is, in any sense, a federative republic, mutual sympathies or mutual antipathies will subsist between them and the national government; and there can never exist the smallest spirit of party in one, without producing a similar spirit of party in the other.

That there are "regular, organized parties, extending from the northern to the southern extremity, and from the Atlantic to the western limits of the United States," is very true. And it is equally certain, that there ever have been such, and that there ever will be such, unless you lay an embargo on all printing presses, private letters, private clubs, and on all travelling from one state to another. A standing army of a hundred thousand infantry and another hundred thousand cavalry, and twenty thousand gun-boats, will not effect it. Caucuses of patricians and caucuses of plebeians always prevailed in Rome and in all other free countries. Our revolution was effected by caucuses. The federal constitution was formed by caucuses, and the federal administrations, for twenty years, have been supported or subverted by caucuses. There is little more of the

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kind now, than there was twenty years ago. Alexander Hamilton was the greatest organist that ever played upon this instrument. He made all the use he could of these bodies of Cincinnati and others, to prevent Mr. Adams from being chosen vice-president. The reason of his antipathy, I know not; for he had never seen him. He caused it to be propagated in the Northern States, that Virginia would not vote for Washington, and in the Southern States, that New England would not vote for Washington, or, at least, that their votes would not be unanimous; at the same time, that there was a great probability there would be a unanimous vote for Adams; that, therefore, the electors must throw away so many of their votes that Adams could not have a majority, and, consequently, could not be president. If he believed one word of the apprehensions he propagated, it is very unaccountable; for there was a very great certainty in the public opinion, that Washington would have a unanimous vote.[1]

At the second election, he was pleased to permit Mr. Adams to have a considerable majority as vice-president.[2]

At the third election, he intrigued with all his might to get Major Thomas Pinckney chosen president. He dared not attempt to exclude Mr. Adams, because he knew that such a project would defeat his plan; but his scheme was to get a vote or two more for Pinckney than for Adams, or, at least, an equal number for each, in hopes that his intrigues in the house might prevail to have Pinckney preferred to Adams.[3]

At the fourth election, his caucuses were more bold, open, and decided. Not only a caucus of members of Congress was

[1] "You know the constitution has not provided the means of distinguishing in certain cases, and it would be disagreeable even to have a man treading close upon the person we wish as president. May not the malignity of the opposition be, in some instances, exhibited even against him? Of all this we shall best judge, when we know who are our electors; and *we must, in our different circles, take our measures accordingly.*" Hamilton to Madison. *Works of A. Hamilton*, edited by J. C. Hamilton, vol. i. p. 489.

[2] In a letter to C. C. Pinckney of 10 October, 1792, upon this subject, Mr. Hamilton says, — "Mr. Adams, whatever objections may lie against some of his theoretic opinions, is a firm, honest, and independent politician." *Works of A. Hamilton*, vol. v. p. 533.

[3] See the letter of Stephen Higginson to Mr. Hamilton of 9 December, 1796, in the *Works of A. Hamilton*, vol. vi. pp. 185–187. Mr. Hamilton's own letter of the 28 November, to which it is in answer, is not given, but the tenor of it may be clearly gathered from the reply.

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assembled at Philadelphia, to exclude Mr. Jefferson, and turn him out, but to bring in General Pinckney with an equal vote with Mr. Adams. This was given out as a point determined, and the whole continent pledged to it upon their sacred honor. In the mean time, Hamilton prepared his famous pamphlet, intending to keep it secret till the election was passed, and then put it into the hands of the members of the house, to decide the election there in favor of Pinckney. Besides all this, a caucus of the Cincinnati was called at New York, in which he was chosen president of that society; but it was determined to sacrifice Adams; and even the two clergymen, President Dwight and Dr. Hitchcock, were found explicit in the pious opinion of sacrificing Adams. Not satisfied with all this, he made a journey through New England to Boston and to Providence, in prosecution of this patriotic design. In Boston, I doubt not, he found some as patriotic as himself. In Rhode Island he was less successful. He labored with Governor Fenner to no purpose. Fenner would not sacrifice Adams.[1]

The opposite party had their caucuses, too, and Burr made as many journeys, and reasoned to greater effect than Hamilton. The republican party had a caucus in Boston, in 1793, and wrote to Mr. Jefferson, upon his resignation of the office of secretary of state, that if he would place himself at their head, they would choose him at the next election; and they organized their party by their correspondences through the states.

This detail sufficiently shows, that caucuses have been from the beginning. There is, no doubt, some regard to public good, in the prosecution of these measures. They are considered as necessary. There is, also, ambition, avarice, envy, jealousy, and revenge. As these causes, good and bad, have hitherto produced such combinations, and as these causes will continue to the end of the world, we may presume the combinations will continue too. They have been, perhaps, too openly avowed, and published in too dictatorial a style; but they will continue with more or less reserve. You cannot prevent them any more than you can prevent gentlemen from conversing at their lodgings.

[1] See the letter of Mr. Hamilton to C. Carroll, dated 1 July, 1800, which gives the result of his efforts on this journey. *Works of A. Hamilton*, vol. vi. pp. 445, 446.

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The question now is, whether Mr. Hillhouse's amendments of the constitution will remedy or qualify the evil. I think not. On the contrary, they will aggravate the distemper, and make it mortal. As the government vibrates at present between parties about once in twelve years, if you make the elections annual, there will be a chance of its vibrating every year, and you will have no stability in government at all. If that "prince of the power of the air," that "fiend, party spirit," can now "invade every sphere;" if that demon can "pass the bounds of every state," will he be

> Hurl'd headlong, flaming from the ethereal sky,
> To bottomless perdition; there to dwell
> In adamantine chains,

when elections become annual? Will Hamilton be prohibited from visiting Boston and Rhode Island, and Burr from travelling in New Jersey and Pennsylvania? The communication by letters in the post offices, and by private hands, will be as easy as ever, and mercenary emissaries from the British and French courts may write, speak, and hold caucuses, as well as federalists and republicans, when elections are annual, as well as at this time, when they are for two years, for six years, and for four years. The monster who now *fremit ore cruento*, but cannot gorge himself more than once in six years, will then have his appetite increased by being annually feasted. He will then be monthly and daily employed all the year round, in "sowing discord and divisions, destroying social harmony, overturning the most valuable institutions, and endangering the liberties of our country."

It is true, that parties have commenced in this country; but that they are progressing with more gigantic strides than usual, I know not. At every election of representatives, senators, and presidents, they have appeared; and the nation was as much divided in 1787, 1788, and 1789, as it is now. It was united in nothing but in the choice of Washington. When Mr. Benson moved that the blank in the bill, directing what officer should hold the office of president, in case of the death of the president and vice-president, should be filled with the chief justice, meaning Mr. Jay, Mr. Madison instantly moved that it should be filled with the secretary of state, meaning Mr. Jefferson. So

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fierce a spirit of party between the friends of the two rivals appeared all at once, that neither side had the courage to engage in the debate; the blank was never filled, and the bill was dropped. And both parties have ever had a successor in view from that time to this. Notwithstanding all the ardor of popular affection for Washington, and the great, I will not say unlimited confidence in him, congress and the nation were more divided, during the eight years of his administration, than they ever have been since. The senate, in constitutional questions and subjects of foreign relations, were, in most instances, divided half and half. The federal majority in the house of representatives was very small. During the administration of his immediate successor, the federalists had a majority of two thirds in the senate, and a larger majority in the house than at any period of the first eight years. This appearance of strength made them, or, at least, their great leader, Hamilton, presumptuous, and proved their ruin.

During the whole administration of Mr. Jefferson, the nation has been more united, and the majorities in both houses have been uniformly much greater, than under either of his predecessors. How, then, can it be said, that parties are progressing with gigantic strides? It should rather seem that the nation is advancing towards greater unanimity. The next election, however, of president, will show whether party spirit or unanimity is increasing. The belligerent powers have, indeed, driven us, by their intemperate measures, into circumstances of danger and distress, which have increased the anxiety of all men of all parties; but it does not yet appear, that the parties are more dangerous or alarming than they have been. A little time may decide. But, however this may be, the question still remains, whether Mr. Hillhouse's amendment will quell one monster, or propagate more and fiercer? Mr. H. is for "cutting off the head of the demon." I think he will find it the head of a hydra, and that a hundred heads will sprout from the blood of the one exscinded. "Without a head, no dangerous party can be formed; no such party can exist," says Mr. H. Indeed! Is it so? Perhaps it is. But parties will find heads enough; an oligarchy of heads, an aristocracy of heads, a democracy of heads; for the deepest democracies always have heads. One would think that the ancient experiment of cutting off the heads of the tall-

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est poppies, had been tried often enough. Go into your field, and strike off the heads of all the tallest, and when you have gone over the whole, turn round and survey the whole ground. You will find as many taller than others as ever; and you must cut off every plant but one, before you can say there is no poppy taller than another. One would think that the recent example of France could not be so soon forgotten. Mirabeau, Marat, Brissot, Danton, Robespierre, were all heads cut off in succession, and all succeeding heads were saved only by having recourse to one head and one arm, in the Emperor Napoleon. The common sense and common feeling of mankind operated in France, after beholding the horrible massacres of aristocracy and democracy, as they have done in all other nations where these frantic parties have not been balanced. If you cut off one head, three other heads, at least, will spring up in its stead. The aristocratical party will have one head; the democratic party another; and the quids a third; but the last will always be a small, feeble, and insignificant party. They will be men of candor, impartiality, and equity, who will have no view but the public good; and this party has, unhappily, in all times, been very small and feeble, in comparison with the other two parties. That I may be more clearly understood,—the federal party will have their head, their leader, their aristocracy and democracy; the republican party will have their head and leader, their aristocracy and democracy; the quids will probably be too feeble and timid, finding themselves unsupported by either of the other great parties, and discountenanced by both, to fix upon any head. But if they should ever become a numerous party, as has seldom, if ever, happened, they must have a head, an aristocracy, and democracy, too; for no party ever can exist without these three divisions.

We will suppose, then, Mr. Hillhouse's amendment adopted. The divisions of rich and poor, debtor and creditor, will still continue, and produce a federal and a republican party in every state. All appointments to office, and removals from it, will be in the senate and house of the United States. These two parties, then, in every state, will live in a constant struggle, which shall send the representatives to the senate and house of the United States; and each will strive to send its head, that he may have the greatest influence in determining national mea-

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sures, and especially in appointing officers and bestowing favors to favorites. The senate and house of the United States will thus be divided into federal and republican parties as much as they are now; and, as all offices will be in their gift, their whole time will be consumed in eternal intrigues and furious conflicts for the loaves and fishes. Each party will have its head in each house; and even the quids, once in an age, may have their leader too. Mr. Hillhouse will find two or three heads in the senate, as many in the house, and thus have six heads to cut off after he has cut off one; and then, he will instantly find six more shoot up in their stead, in the persons next esteemed in their respective parties. The caucuses in each state, and correspondences between different states, will not be lessened. There will still be central committees and committees of correspondence, from the north to the south, and from the east to the west. So long as education, talents, property, or even beauty, stature, or color, shall make inequalities among mankind, there will be an aristocratical and a democratical party in every country, especially in opulent commercial countries. Mr. Hillhouse's amendment, instead of diminishing, will increase them; instead of moderating, will inflame them; instead of reducing them to order, will throw them into greater confusion, exasperate their passions, and multiply their intrigues without end.

For example,—an eminent judge or a learned lawyer, in Connecticut or Massachusetts, or any other state, may wish to be a judge or a chief justice of the United States, or his friends and admirers may desire to promote him. If he is of the federal party, the leading members of the senate and house of the United States will be solicited by letters, throughout the Union, to exert their influence to obtain his election. If he is of the republican party, the heads of that party in congress will be instigated, in the same manner, to obtain his election; and there will be always a federal judge and a republican judge, and perhaps such a pair, in every state, contending, intriguing, and lying, perhaps, in the newspapers; and how shall congress judge? If federalism has a majority in the senate and house, a federalist will be chosen. If republicanism predominates, a republican will undoubtedly be elected. But what if republicanism should prevail in the house, and federalism in the senate?

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a case that may often happen. What is to be done then? Why, no appointment can be made.

Again,—a gentleman of talents, education, fortune, family, aspires to visit foreign countries, in the capacity of an ambassador. He will certainly have one name or another. He must be either federalist, republican, or quid. If the first, he will have all the federalists in his state for him; if the second, all the republicans; if the third, he must stay at home at his farm, merchandise, or books. Central committees and organized correspondences will be at work in recommending him to their respective parties through the Union. When the choice comes before congress, perhaps, a candidate or two of each party in each state will be nominated, and after weeks of debate in public, and intrigues and caucuses in private, an ambassador may be chosen; unless either house should be equally divided, as they were between Jefferson and Burr, and then no ambassador can be sent, though peace or war may depend upon the mission. But, in every case, the ambassador will be of the party that outnumbers the other in congress.

But, of all party contentions, the choice of a commander-in-chief of the army will be the sharpest; because a commander-in-chief of the army, in time of war, will be a more popular and powerful man than a president is now. What will become of your come-by-chance president, if he presumes to dispute any point with your general, who has ten thousand officers and twenty thousand soldiers under him, drawn from all parts, attached to his person, and trumpeting his fame through the Union, and all espousing his opinions and reputation against the president?

When such an office is to be filled, all the militia officers, all the old soldiers, all the societies of the Cincinnati will be set in motion; and, for what I know, all the religious sects,—the Catholics, the Protestant Episcopalians, the Anabaptists, the Presbyterian assemblies and conventions, and even the Quaker meetings,—may interest themselves in the choice; and, after all, it must be a federalist or a republican who will carry the day. As one party will always rather lean to France, and the other to England, foreign emissaries will certainly not be idle; and if a hand can be found to receive a bribe, we certainly know that both courts are in the habit of employing money in other countries.

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We might go through the list of all offices under the general government, and all elections would be made upon the same general principle.

Anarchy, confusion, and every evil work, besides a total depravation of moral and honest public principles, would be the undeniable effect.

END OF VOLUME VI.

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